

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA
SESSION OF 1923

HELD IN THE CITY OF MONTGOMERY, COMMENCING
TUESDAY, JANUARY 9, 1923.



VOL. I.

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE.

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JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA

FIRST DAY.

January 9th, 1923.

This being the second Tuesday in January, A. D. 1923, and the day fixed by law and the Constitution for the quadriennial meeting of the Legislature of the State of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock M., and was called to order by Lieutenant Governor Nathan L. Miller, President of the Senate.

Walter F. Miller, Secretary, was present and acted as such according to law.

PRAYER.

By Rev. Dr. Crumpton of the City.

ROLL CALL.

The roll of the Senate being called, the following Senators-elect answered to their names:

1st District—Lauderdale and Limestone Counties. George W. Duncan, Athens, Alabama.

2nd District—Lawrence and Morgan Counties. Melvin Hutson, Decatur, Alabama.

3rd District—Blount, Cullman and Winston Counties. A. A. Griffith, Cullman, Alabama.

4th District—Madison County. W. F. Garth, Huntsville, Alabama.

5th District—Jackson and Marshall Counties. Joe Johnson, Meltonsville, Alabama.

6th District—Etowah and St. Clair Counties. John C. Inzer, Gadsden, Alabama.

7th District—Calhoun County. W. C. Tunstall, Anniston, Alabama.

8th District—Talladega County. S. C. Oliver, Talladega, Alabama.

9th District—Chambers and Randolph Counties. John W. Overton, Wedowee, Alabama.

10th District—Tallapoosa and Elmore Counties. Roy Nolen, Alexander City, Alabama.

11th District—Tuscaloosa County. Manly Foster, Tuscaloosa, Alabama.

12th District—Fayette, Lamar and Walker Counties. Walter S. McNeil, Fayette, Alabama.

13th District—Jefferson County. Walter Brower, Birmingham, Alabama.

14th District—Pickens and Sumter Counties. C. R. Horton, Carrollton, Alabama.

15th District—Autauga, Chilton and Shelby Counties. S. M. Adams, Thorsby, Alabama.

16th District—Lowndes County. H. C. Caffey, Haynesville, Alabama.

17th District—Butler, Conecuh and Covington Counties. R. H. Jones, Evergreen, Alabama.

18th District—Bibb and Perry Counties. Dr. George W. Randall, West Blockton, Alabama.

19th District—Choctaw, Clarke and Washington Counties. J. M. Pelham, Sr., Chatom, Alabama.

20th District—Marengo County. T. J. Carlton, Prentice, Alabama.

21st District—Baldwin, Escambia and Monroe Counties. Leon Brooks, Brewton, Alabama.

22nd District—Wilcox County. J. M. Bonner, Camden, Alabama.

23rd District—Dale and Geneva Counties. A. A. Carmichael, Geneva, Alabama.

24th District—Barbour County. G. Ernest Jones, Clayton, Alabama.

25th District—Coffee, Crenshaw and Pike Counties. Shorter Hudgens, Luverne, Alabama.

26th District—Bullock and Macon Counties. R. H. Powell, Tuskegee, Alabama.

27th District—Lee and Russell Counties. B. de G. Waddell, Seale, Alabama.

28th District—Montgomery County. Charles B. Teasley, Montgomery, Alabama.

29th District—Cherokee and DeKalb Counties. J. B. Sloan, Fort Payne, Alabama.

30th District—Dallas County. James B. Ellis, Selma, Alabama.

31st District—Colbert, Franklin and Marion Counties. John P. Middleton, Hamilton, Alabama.

32nd District—Green and Hale Counties. E. F. Hildreth, Eutaw, Alabama.

33rd District—Mobile County. John Craft, Mobile, Alabama.

34th District—Clay, Cleburne and Coosa Counties. Wm. H. Howle, Heflin, Alabama.

35th District—Henry and Houston Counties. Harry Martin, Dothan, Alabama.

THE STATE OF ALABAMA.
DEPARTMENT OF STATE.

I, WM. P. COBB, Secretary of State, do hereby certify that as shown by the returns of election on file in this office, the attached list contains the names of those elected from the several senatorial districts of the State to the State Senate of Alabama at the general elections held in this state on Tuesday the seventh day of November, nineteen hundred and twenty-two.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, this 9th day of January One Thousand Nine Hundred and Twenty-three.

(SEAL) Wm P. Cobb,
Secretary of State.

OATH OF OFFICE.

Upon request of the Presiding Officer of the Senate, Lieutenant Governor Nathan L. Miller, the Senators-elect came forward, presented their credentials, and the President of the Senate administered to them the oath of office prescribed by the Constitution of the State, and each Senator came forward and subscribed his name to said oath as follows:

I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability so help me God:

George W. Duncan.

Melvin Hutson.

A. A. Griffith.

W. F. Garth.

Joe Johnson.

J. C. Inzer.

W. C. Tunstall.

S. C. Oliver.

Jno. W. Overton.

Roy Nolen.

J. M. Foster.

Walter S. McNeil.

Walter Brower.

C. R. Horton.

S. M. Adams.

H. M. Caffey.

Robt. H. Jones.

Geo. W. Randall.

J. M. Pelham, Sr.	B. deG. Waddell.
J. T. Carlton.	Chas B. Teasley.
Leon Brooks.	S. B. Slone.
J. M. Bonner.	James B. Ellis.
A. A. Carmichael.	John P. Middleton.
G. Ernest Jones.	Emmett F. Hildreth.
Shorter C. Hudgens.	John Craft.
R. H. Powell.	Harry K. Martin.
W. H. Howle.	

RESOLUTION.

Mr. Foster offered the following Senate Resolution which was, under a suspension of the rules, unanimously adopted by the Senate:

S. R. 1. Resolved, that the Senate of Alabama be governed by the rules of the Senate adopted at Special Session of 1921, Legislative Document No. 2, hereto attached, until new rules are adopted by this Senate, with the following qualifications:

1st. That no appointment of standing committees be made until after the announcement of the result of the opening and publishing of the returns of the election of executive officers of the State by the Joint Convention of the Senate and House of Representatives, as provided by the Constitution of Alabama, Section 115.

2nd. That immediately after such Joint Convention the Lieutenant Governor-elect, as shown by said returns, submit to this Senate by written communication his recommendations for Chairmen and members of the several standing committees respectively, for this session of the Senate, as provided by said rules herein provided to be adopted.

3rd. That the Committee on Education be increased from eleven members to thirteen; and the committee on Public Roads, and Highways be increased from nine members to eleven.

And the Printed Rules of the Senate adopted at the Special Session of 1921, were adopted by the Senate as follows:

RULES OF THE SENATE.

SPECIAL SESSION, 1921.

Rule 1. The President having taken the Chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistakes may be corrected that shall be made in the entry.

2. Every Senator, when he speaks, shall address the Chair, standing in his place, and when he has finished, shall sit down.

3. No Senator shall speak more than twice on any question

under debate, and shall not consume more than one hour at each time, without leave of the Senate; but the originator of the pending question, or chairman of the committee reporting the measure, shall have the right to conclude the debate, the originator of the pending question to have precedence.

4. When two or more Senators rise at the same time, the President shall name the Senator who is to speak first.

5. When a Senator shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate, and the President may call for the sense of the Senate on any question of order.

6. If a Senator be called to order by a Senator for words spoken, the exceptional words shall immediately be taken down in writing by the Secretary, that the President may be better enabled to judge of the matter.

7. No Senator shall absent himself from the service of the Senate, for as long as one day, without leave of the Senate first obtained. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Door-keeper, or any other person by them authorized, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senator unless such excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient, in which event the expense of securing the attendance of such Senator shall be paid out of the contingent fund.

8. When a motion shall be made, it shall be reduced to writing, if desired by the President, or any Senator, delivered at the table, and read, before the same shall be debated.

9. When a question is under debate, no motion shall be received but:

1. To adjourn,
2. To adjourn to a day certain,
3. To lay on the table,
4. To postpone indefinitely,
5. To postpone to a certain day,
6. To commit, or
7. To amend;

which several motions shall have precedence, in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

10. If the question in debate contains several points, any Senator may move for a division, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and

insert a different proposition, nor prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

11. In filling blanks, the largest sum and longest time shall be first put.

12. When the reading of any paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

13. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the special orders of the day.

14. When the yeas and nays shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

15. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

16. All motions to go into executive session shall be decided without debate.

17. All joint resolutions, except those which require immediate action, shall be referred to the Committee on Rules, before they shall be considered by the Senate.

18. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate chamber, to present any petition, memorial or address, or to have any such read.

19. When a question has been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move for the re-consideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for re-consideration be in order, unless made on the same day on which the vote was taken, or by 12 o'clock next day.

20. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent by answering their aye or no.

21. The President of the Senate shall have the right to name a Senator to perform the duties of the Chair, but such a substitution shall not extend beyond adjournment.

22. After reading the journal, business shall be called in the following order:

- 1st. Signing of bills by President,
- 2nd. Call of Districts,
- 3rd. House Messages.
- 4th. Report from Standing Committees,
- 5th. Reports from Select Committees,
- 6th. Motions and Resolutions.
- 7th. Bills on third reading,
- 8th. Regular order of the day at 12 M.,
- 9th. Miscellaneous business.

The Committee on Enrolled and Engrossed Bills, and on journal, may report at any time.

This order of the business cannot be set aside except by a majority vote of the Senate, upon a resolution, previously considered and reported by the Committee on Rules.

When reports of Standing Committees are in order, the Committee shall be entitled to the floor, last occupying it when the reports were in order.

These rules shall not interfere with special orders for particular days, or special orders for the Senate.

Special orders shall be called at the hour of 12 o'clock, unless specially set for some other hour; and a motion for a special order, if objected to, shall first be referred to and reported from the Committee on Rules.

Under call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to a committee, shall be introduced, and every bill, petition, memorial or other paper shall upon the first reading thereof, be referred by the President to the Standing Committee having the subject matter thereof under consideration unless the Senate by a majority vote order otherwise. And before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or the memorial shall be made verbally by the introducer.

23. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each reading of a bill whether it be the first, second or third, which reading shall be on three different days. And no bill shall become a law until it shall have been referred to a standing committee, acted upon by such committee in session, and returned therefrom, which fact shall affirmatively appear upon the journal of the Senate, and upon its final passage read at length, and the vote taken by yeas and nays, and the names of the Senators voting for and against the same be entered on the journal.

24. All bills carrying appropriations whether previously referred to another committee, shall be referred to the Committee on Finance and Taxation and reported therefrom.

25. The presiding Officer of the Senate shall in the presence of the Senate, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered upon the journal. And all the resolutions proposing amendments to the Constitution or to which the approbation or signature of the President may be requisite or which may grant money out of the contingent fund shall be treated in all respects in the introduction and form of proceedings thereon in the Senate in a similar manner with bills.

26. Bills on first reading shall be committed, and shall be read a second time when returned from the committee on any subsequent day.

27. The final question, upon the third reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to its being passed, shall be, "whether it shall be engrossed and read a third time," and no amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment, and if such commitment take place and any amendment be reported by the committee, the said bill, resolution, constitutional amendment or motion shall be again read a second time, and then the aforesaid question shall be put.

28. The special orders of the day shall not be called by the Chair before 12 o'clock, unless otherwise directed by the Senate.

29. The titles of bills and such parts thereof only as shall be effected by proposed amendments, shall be inserted on the journals.

30. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of its proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall be inserted on the journal.

31. The President of the Senate shall appoint the Chairman and members of the Standing Committees, and he shall appoint all other committees of the Senate, both special and joint.

32. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

33. That all executive messages be considered with open doors unless otherwise requested in said message, or otherwise ordered by a vote of the Senate.

34. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour, and a vote be taken on the measure. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon.

35. When any question may have been decided by the Senate, in which two-thirds of the Senators present are necessary to carry the affirmative, any Senator who votes on that side which prevailed in the question, may be at liberty to move for a re-consideration, and a motion for a re-consideration shall be decided by a majority of votes. And every bill, question or measure may be re-considered at any time before 12 o'clock of the succeeding day, that no motion to table a motion to re-consider shall be in order, if made on the same day the proposition proposed to be re-considered, was carried, and no motion to take from the table a motion to re-consider shall be in order, without giving one day's notice.

36. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

37. Messages may be introduced in any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

38. Press reporters shall be placed on the floor of the Senate by the Secretary, or under his direction.

39. The presiding officer of the Senate shall have the regulation and control of such parts of the capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

40. Persons admitted on the floor of the Senate chamber while the Senate is in session: Members and former members of the Legislature, officers and employees of the Two Houses, the Governor and his Secretary, representatives of the press, other persons to whom the Senate by unanimous vote may extend the privileges of its floor.

41. No smoking shall be allowed in the Senate chamber.

42. The time of meeting of the Senate each day shall be 10 o'clock A. M., except on Monday, on which it shall convene at 12 o'clock noon; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the journal the hour of

adjournment, and the name of the member on whose motion of adjournment was had.

43. To aid in the dispatch of business, there shall be twenty-seven standing committees, upon the following subjects, and to consist of the number herein named:

1. On the judiciary, to consist of eleven members.
2. On revision of laws, to consist of eleven members.
3. On constitution and constitutional revision and amendments, to consist of eleven members.
4. On finance and taxation, including accounts and claims, fees and salaries, and contingent fund, to consist of eleven members.
5. On banking and insurance, to consist of seven members.
6. On penitentiary, prison and prison punishment, to consist of nine members.
7. On corporations, to consist of five members.
8. On local legislation, to consist of seven members.
9. On education, to consist of eleven members.
10. On commerce and common carriers, to consist of seven members.
11. On mining and manufacturing, to consist of five members.
12. On agriculture, to consist of seven members.
13. On municipalities and municipal organization, including charitable institutions, to consist of five members.
14. On counties and county boundaries, to consist of five members.
15. On immigration and industrial resources, to consist of five members.
16. On public buildings and grounds, to consist of five members.
17. On privileges and elections, including grievances, incapacities and registration, to consist of eleven members.
18. On printing, to consist of five members.
19. On public health, to consist of five members.
20. On military, to consist of three members.
21. On temperance, to consist of nine members.
22. On engrossed bills, to consist of three members.
23. On enrolled bills, to consist of three members.
24. On revision of the journal, to consist of five members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the General Assembly and report whether the journal contains the entries in reference thereto required by the Constitution.
25. On public roads and highways, to consist of nine members.
26. On game and forestry, to consist of five members.

27. On rules, to consist of five members, with the right to report at any time.

44. Bills on third reading postponed to a day certain, shall take precedence on such day, and from day to day thereafter, until disposed of, of bills on third reading, and the precedence of such postponed bills shall be in the order of their postponement, respectively.

45. No discussion or debate shall be allowed while a vote is being taken, except by unanimous consent of the Senate.

46. A motion to lay on the table amendment or substitute shall not carry with it the original bill, resolution, or proposition.

47. The Secretary of the Senate is required to furnish daily to the members of the Senate a printed calendar of all the bills and resolutions intended to have the force of laws on third reading in the order in which they are entitled to consideration.

48. When a committee has decided adversely to any bill or resolution, such action shall be indorsed thereon under Rule 51, and said bill forthwith delivered to the Secretary of the Senate, who shall note the unfavorable report on the register or docket of bills, and keep and print a calendar of same, adding bills from day to day without reprinting. Any Senator may, after one day's written notice, on the day named in said notice after the call of standing committees move the second reading of such bill or resolution when the same may, by a majority vote of the Senate, be read by its title a second time and placed on the calendar. Only 60 minutes to the side shall be allowed for the discussion of such motion—which may be divided as the Senators favoring and opposing the same may agree for their respective sides.

49. No motion to suspend, modify or amend any rule or any part thereof, shall be in order except on one day's notice in writing, specifying precisely the rule, or part thereof, proposed to be suspended, modified or amended and the purpose thereof; and before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and the said committee must report thereon; but any rule may be suspended by unanimous consent of the Senate, and alterations of the rules shall be decided by a majority vote.

50. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate; provided, that this shall not apply to resolutions requiring immediate consideration.

51. The Secretary of the Senate in the keeping of the journal shall, on the introduction of a bill, make an entry as follows:

"INTRODUCTION OF BILLS."

Upon a call of districts, bills were introduced, severally read once and referred to appropriate standing committees as follows:

Setting out the number and title of the bill.

Committee on.....

52. When a bill shall be returned from a standing committee of the Senate, the Secretary shall make the journal read:

"Mr....., Chairman of the Standing Committee on....., reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a.....and they were severally read a second time and placed on the calendar, to-wit:"

53. When a bill has been acted upon by a standing committee of the Senate, the Chairman shall endorse on said bill:

"This bill was referred to the standing committee of the Senate on.....and was acted upon by such committee in session and is by order of the committee returned therefrom with.....

This.....day of....., 192.....
Chairman.....

54. That the Secretary of the Senate will provide the Chairman of each standing committee with a stamp with which to make such endorsements.

55. The entry on the journal as to signing bills shall be: "The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:"

Setting out number and title.

Yeas, 35; Nays, 0.

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft
Duncan

Ellis
Foster
Garth
Griffith
Hildreth
Horton
Howle
Hudgens
Hutson

Inzer
Johnson
Jones (Barbour)
Jones (Conecuh)
Martin
Middleton
McNeil
Nolen
Oliver

Overton
Pelham
Powell
Randall
Slone
Teasley
Tunstall
Waddell

ELECTION OF OFFICERS.

The President announced that the next order of business was the election of officers as follows:

President Pro Tem., Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper, Enrolling Clerk, Engrossing Clerk, Comparing Clerk, and Doorkeeper of the Gallery. The Senate then went into the election of the officers above named:

ELECTION OF PRESIDENT PRO TEM.

Mr. Foster of Tuscaloosa, placed in nomination for President Pro Tem of the Senate, Hon. James B. Ellis, of Dallas.

Those who voted for Mr. Ellis are:

Messrs:			
Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Concuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Duncan	Inzer		

—33

Mr. Ellis having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected President Pro Tem of the Senate for the term prescribed by law.

ELECTION OF SECRETARY.

Mr. Ellis placed in nomination for Secretary of the Senate, Mr. J. E. Speight of Covington.

Those who voted for Mr. Speight are:

Messrs:			
Adams	Ellis	Johnson	Overton
Bonner	Foster	Jones (Barbour)	Pelham
Brooks	Garth	Jones (Concuh)	Powell
Brower	Griffith	Martin	Randall
Caffey	Hildreth	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Duncan	Inzer		

—34.

Mr. Speight, having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Secretary of the Senate for the term prescribed by law.

ELECTION OF ASSISTANT SECRETARY.

Mr. Johnson placed in nomination for Assistant Secretary of the Senate, Harrison McCutchen, of Jackson.

Those who voted for Mr. McCutchen are:

Messrs:

Adams	Ellis	Johnson	Overton
Bonner	Foster	Jones (Barbour)	Pelham
Brooks	Garth	Jones (Conecuh)	Powell
Brower	Griffith	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Duncan	Inzer		

—34.

Mr. McCutchen having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Assistant Secretary of the Senate for the term prescribed by law.

ELECTION OF DOORKEEPER.

Mr. Howle placed in nomination for Doorkeeper of the Senate, Rev. J. K. Jenkins of Clay.

Those who voted for Mr. Jenkins are:

Messrs:

Adams	Ellis	Johnson	Overton
Bonner	Foster	Jones (Barbour)	Pelham
Brooks	Garth	Jones (Conecuh)	Powell
Brower	Griffith	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall
Duncan	Hutson	Oliver	Waddell

—32

Mr. Jenkins having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Doorkeeper of the Senate for the term prescribed by law.

ELECTION OF ASSISTANT DOORKEEPER.

Mr. Duncan placed in nomination for Assistant Doorkeeper of the Senate Mr. H. P. Davis of Lauderdale.

Mr. Randall placed in nomination for Assistant Doorkeeper of the Senate, Mr. J. B. Harris of Bibb.

Mr. Jones of Barbour, placed in nomination for Assistant Doorkeeper of the Senate, Mr. Guy Watkins of Barbour.

Mr. Bowers placed in nomination for Assistant Doorkeeper of the Senate, Mr. D. C. Waters of Jefferson.

Those who voted for Mr. Davis are:

Messrs:			
Duncan	Inzer	Oliver	—3

Those who voted for Mr. Harris are:

Messrs:			
Craft	Garth	Middleton	Randall
Foster	Horton	McNeil	—7

Those who voted for Mr. Watkins are:

Messrs:			
Bonner	Hildreth	Overton	Slone
Carlton	Hudgens	Pelham	Teasley
Carmichael	Jones (Barbour)	Powell	Waddell
Griffith	Martin		—14

Those who voted for Mr. Waters are:

Messrs:			
Adams	Caffey	Johnson	Nolen
Brooks	Ellis	Jones (Conecuh)	Tunstall
Brower	Hutson		—10

None of the candidates having received a majority vote of the Senate, the Secretary was instructed to again call the roll for the election of an Assistant Doorkeeper.

Mr. Carmichael moved that on the next and each succeeding ballot, the name of the man receiving the lowest vote be dropped, which motion prevailed, and the Secretary proceeded to again call the roll for the election of an Assistant Doorkeeper of the Senate.

Those who voted for Mr. Davis on the second ballot are:

Messrs:			
Brooks	Duncan	Inzer	Oliver
			—4

Those who voted for Mr. Watkins on the second ballot are:

Messrs:			
Bonner	Hildreth	Jones (Conecuh)	Powell
Carlton	Hudgens	Martin	Slone
Carmichael	Johnson	Overton	Teasley
Griffith	Jones (Barbour)	Pelham	Waddell
			—16

Those who voted for Mr. Waters on the second ballot are:

Messrs:			
Adams	Caffey	Hutson	Tunstall
Brower	Ellis	Nolen	—7

Those who voted for Mr. Harris on the second ballot are:

Messrs:				
Craft	Garth	Middleton	Randall	—7
Foster	Horton	McNeil		

None of the candidates having received a majority vote of the Senate, the Secretary was instructed to again call the roll for the election of an Assistant Doorkeeper of the Senate.

Those who voted for Mr. Davis on the third ballot are:

Mr. Duncan.—1.

Those who voted for Mr. Watkins on the third ballot are:

Messrs:				
Bonner	Hudgens	Overton	Slone	—13
Carlton	Jones (Barbour)	Pelham	Teasley	
Carmichael	Martin	Powell	Waddell	
Griffith				

Those who voted for Mr. Waters on the third ballot are:

Messrs:				
Adams	Caffey	Johnson	Nolen	—10
Brooks	Ellis	Jones (Conecuh)	Tunstall	
Brower	Hutson			

Those who voted for Mr. Harris on the third ballot are:

Messrs:				
Craft	Hildreth	Inzer	McNeil	—9
Foster	Horton	Middleton	Randall	
Garth				

None of the candidates having received a majority vote of the Senate, the Secretary was instructed to again call the roll of the Senate for the election of an Assistant Doorkeeper.

Those who voted for Mr. Waters on the fourth ballot are:

Messrs:				
Adams	Caffey	Hutson	Nolen	—11
Brooks	Duncan	Johnson	Tunstall	
Brower	Ellis	Jones (Conecuh)		

Those who voted for Mr. Watkins on the fourth ballot are:

Messrs:				
Bonner	Hildreth	Oliver	Slone	—15
Carlton	Hudgens	Overton	Teasley	
Carmichael	Jones (Barbour)	Pelham	Waddell	
Griffith	Martin	Powell		

Those who voted for Mr. Harris on the fourth ballot are:

Messrs:			
Craft	Garth	Inzer	McNeil
Foster	Horton	Middleton	Randall

—8

None of the candidates having received a majority vote of the Senate, the Secretary was instructed to again call the roll of the Senate for the election of an Assistant Doorkeeper.

Those who voted for Mr. Waters on the fifth ballot are:

Messrs:			
Adams	Duncan	Hutson	Nolen
Brooks	Ellis	Inzer	Randall
Brower	Foster	Johnson	Tunstall
Caffey	Garth	Jones (Conecuh)	

—15

Those who voted for Mr. Watkins on the fifth ballot are:

Messrs:			
Bonner	Hildreth	Middleton	Powell
Carlton	Horton	McNeil	Slone
Carmichael	Hudgens	Oliver	Teasley
Craft	Jones (Barbour)	Overton	Waddell
Griffith	Martin	Pelham	

—19

Mr. Watkins having received the highest vote cast, being a majority vote of the Senate, he was declared duly and constitutionally elected Assistant Doorkeeper of the Senate for the term prescribed by law.

ELECTION OF ENROLLING CLERK.

Mr. Teasley placed in nomination for Enrolling Clerk of the Senate, Mrs. Lula Thompson of Montgomery.

Those who voted for Mrs. Thompson are:

Messrs:			
Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

Mrs. Thompson, having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Enrolling Clerk of the Senate for the term prescribed by law.

ELECTION OF ENGROSSING CLERK.

Mr. Teasley placed in nomination for Engrossing Clerk of the Senate, Mrs. Jessie Lamar of Montgomery:

Mr. Caffey placed in nomination for Engrossing Clerk of the Senate, Mrs. Nannie B. Walker:

Those who voted for Mrs. Lamar are:

Messrs:			
Duncan	Jones (Barbour)	Slone	Tunstall
Foster	Oliver	Teasley	Waddell
Hildreth			

—9

Those who voted for Mrs. Walker are:

Messrs:			
Adams	Craft	Hutson	McNeil
Bonner	Ellis	Inzer	No'en
Brooks	Garth	Johnson	Overton
Brower	Griffith	Jones (Conecuh)	Pelham
Caffey	Horton	Martin	Powell
Carlton	Howle	Middleton	Randall
Carmichael	Hudgens		

—26

Mrs. Nannie B. Walker having received the highest vote cast, being a majority of the Senate, was declared duly and constitutionally elected Engrossing Clerk of the Senate for the term prescribed by law.

ELECTION OF COMPARING CLERK.

Mr. Teasley placed in nomination for Comparing Clerk of the Senate, Mrs. Hattie S. Ross of Montgomery:

Those who voted for Mrs. Ross are:

Messrs:			
Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	McNeil	Teasley
Carmichael	Howle	Nolen	Tunstall
Craft	Hudgens	Oliver	Waddell
Duncan	Hutson		

—34

Mrs. Ross having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected Comparing Clerk of the Senate for the term prescribed by law.

ELECTION OF DOORKEEPER OF GALLERY.

Mr. Carmichael placed in nomination for Doorkeeper of the Gallery, Mr. W. F. Stough of Geneva.

Mr. Duncan placed in nomination for Doorkeeper of the Gallery, Mr. A. P. Davis of Lauderdale.

Mr. Brower placed in nomination for Doorkeeper of the Senate Gallery, Mr. D. C. Waters of Jefferson.

Mr. Randall placed in nomination for Doorkeeper of the Senate Gallery, Mr. J. B. Harris of Bibb.

Those who voted for Mr. Stough are:

Messrs:				
Brooks	Hudgens	Jones (Barbour)	Pelham	
Carmichael	Hutson	Jones (Conecuh)	Slone	
Horton	Inzer	Martin		—11

Those who voted for Mr. Davis are:

Messrs:				
Duncan	Middleton	Oliver	Powell	—4

Those who voted for Mr. Waters are:

Messrs:				
Adams	Griffith	Johnson	Teasley	
Brower	Hildreth	Nolen	Waddell	
Ellis	Howle	Overton		—11

Those who voted for Mr. Harris are:

Messrs:				
Bonner	Craft	Garth	Randall	
Caffey	Foster	McNeil	Tunstall	—8

Mr. Nolen moved that after this ballot lowest man be dropped, which motion prevailed.

None of the candidates having received a majority of the Senate, the Secretary was instructed to again call the roll of the Senate for the election of a Doorkeeper for the Senate Gallery, and

Those who voted for Mr. Harris on the second ballot are:

Messrs:			
Bonner	Middleton	McNeil	—3

Those who voted for Mr. Stough on the second ballot are:

Messrs:				
Brooks	Horton	Jones (Barbour)	Pelham	
Carmichael	Hudgens	Jones (Conecuh)	Powell	
Foster	Inzer	Martin	Slone	—12

Those who voted for Mr. Davis on the second ballot are:

Messrs:		
Duncan	Oliver	—2

Those who voted for Mr. Waters on the second ballot are:

Messrs:			
Adams	Ellis	Hutson	Randall
Brower	Garth	Johnson	Teasley
Caffey	Griffith	Nolen	Tunstall
Carlton	Hildreth	Overton	Waddell
Craft	Howle		

—18

Mr. Waters having received the highest vote cast, being a majority of the Senate, he was declared duly and constitutionally elected Doorkeeper of the Senate Gallery for the term prescribed by law.

RESOLUTION.

Mr. Teasley offered the following Senate Resolution:

S. R. 2. Resolved by the Senate, that the Senate elect four Pages and two Messengers to serve the Senate during the present session.

Which resolution was, under a suspension of the rules, unanimously adopted by the Senate, and the Senate then proceeded with the election of said pages as follows:

ELECTION OF PAGES OF SENATE.

Mr. Ellis placed in nomination for Pages of the Senate:

John Calloway of Montgomery,
Gibson Besson of Montgomery,
George Brassell of Montgomery,
John Benson of Tuscaloosa.

Mr. Martin placed in nomination for Page of the Senate, Robert Carswell of Houston.

Mr. Duncan placed in nomination for Page of the Senate, Patrick W. Hodges, Jr., of Montgomery.

Mr. Waddell placed in nomination for Page of the Senate, Bruce Kennedy of Montgomery.

Mr. Jones of Barbour, placed in nomination for Page of the Senate, John Fenville of Montgomery.

Mr. Inzer moved that the Senate vote for all Pages placed in nomination at the same time, and that the 4 Pages receiving the highest vote be declared duly and constitutionally elected Pages of the Senate, which motion prevailed, and the Senate proceeded to vote for those placed in nomination for Pages as follows:

Those who voted for John Calloway are:

Messrs:			
Adams	Caffey	Ellis	Hildreth
Bonner	Carlton	Foster	Horton
Brooks	Carmichael	Garth	Howle
Brower	Craft	Griffith	Hudgens

Hutson	Middleton	Overton	Slone
Inzer	McNeil	Pelham	Teasley
Jones (Barbour)	Nolen	Powell	Tunstall
Jones (Conecuh)	Oliver	Randall	Waddell

—32

Those who voted for Gibson Besson are:

Messrs:			
Bonner	Foster	Middleton	Randall
Caffey	Garth	McNeil	Slone
Carlton	Horton	Nolen	Teasley
Craft	Hutson	Oliver	Tunstall
Duncan	Inzer	Overton	Waddell
Ellis	Martin	Powell	

—23

Those who voted for George Brassell are:

Messrs:			
Adams	Craft	Howle	Overton
Bonner	Ellis	Hudgens	Pelham
Brooks	Garth	Inzer	Powell
Brower	Griffith	Martin	Randall
Carlton	Hildreth	Middleton	Slone
Carmichael	Horton	Nolen	Teasley

—24

Those who voted for Joe Benson are:

Messrs:			
Brooks	Garth	Jones (Conecuh)	Teasley
Ellis	Griffith	McNeil	Tunstall
Foster	Johnson	Randall	

—11

Those who voted for Robert Carswell are:

Messrs:			
Adams	Carmichael	Johnson	Oliver
Bonner	Hildreth	Jones (Barbour)	Pelham
Brower	Howle	Jones (Conecuh)	Slone
Caffey	Hudgens	Martin	Waddell
Carlton	Hutson		

—18

Those who voted for Patrick W. Hodges, Jr., are:

Messrs:			
Duncan	Johnson	Middleton	Overton
Griffith	Jones (Barbour)		

—6

Those who voted for Bruce Kennedy are:

Messrs:			
Brooks	Duncan	Johnson	Waddell
Craft	Horton	Oliver	

—7

Those who voted for John Fonville are:

Messrs:			
Adams	Carmichael	Hildreth	Hutson
Brower	Duncan	Howle	Inzer
Caffey	Foster	Hudgens	Jones (Barbour)

Jones (Conecuh)	McNeil	Pelham	Tunstall	
Martin	Nolen	Powell		—19

Said John Calloway, Gibson Besson, George Brassell and John Fonville, being the four who received the highest vote cast, and each having received a majority vote of the Senate, each were declared duly and constitutionally elected Page of the Senate for the term prescribed by law.

ELECTION OF MESSENGERS.

Mr. Teasley placed in nomination for Messenger of the Senate, Patterson Solomon, Duncan Tharin and Bruce Kennedy, of Montgomery.

Those who voted for Mr. Solomon are:

Messrs:				
Adams	Duncan	Hutson	Oliver	
Bonner	Ellis	Inzer	Overton	
Brooks	Foster	Jones (Barbour)	Pelham	
Brower	Garth	Jones (Conecuh)	Randall	
Caffey	Griffith	Martin	Teasley	
Carlton	Hildreth	Middleton	Tunstall	
Carmichael	Horton	McNeil	Waddell	
Craft	Hudgens	Nolen		—31

Those who voted for Mr. Tharin are:

Messrs:				
Adams	Carmichael	Hudgens	McNeil	
Bonner	Duncan	Hutson	Pelham	
Brooks	Ellis	Inzer	Powell	
Brower	Foster	Johnson	Slone	
Caffey	Hildreth	Martin	Tunstall	
Carlton	Howle			—22

Those who voted for Mr. Kennedy are:

Messrs:				
Craft	Johnson	Nolen	Randall	
Garth	Jones (Barbour)	Oliver	Slone	
Griffith	Jones (Conecuh)	Overton	Teasley	
Horton	Middleton	Powell	Waddell	
Howle				—17

Mr. Patterson Solomon and Mr. Tharin having received the two highest votes cast, each being a majority of the Senate, were each declared duly and constitutionally elected Messengers of the Senate for the term prescribed by law.

OATH OF OFFICE:

The oath of office as prescribed by the Constitution and laws of the State of Alabama was then administered by the Presiding Officer of the Senate to the following officers, to-wit:

J. E. Speight, Secretary; Harrison McCutchen, Assistant Secretary; Mrs. Lula Thompson, Enrolling Clerk; Mrs. Nannie B. Walker, Engrossing Clerk; Mrs. Hattie S. Ross, Comparing Clerk; J. K. Jenkins, Doorkeeper; Guy Watkins, Assistant Doorkeeper, and D. C. Waters, Doorkeeper of the Gallery of the Senate.

RESOLUTIONS.

Mr. Inzer offered the following Senate Resolution:

S. R. 3. Resolved by the Senate, That the Secretary of the Senate inform the House of Representatives of Alabama that the Senate of Alabama has perfected its organization and elected its permanent officers and is now ready for the transaction of public business; that he will communicate to the House of Representatives the names of the several officers elected by the Senate.

Which was, under a suspension of the Rules, unanimously adopted by the Senate.

Mr. Tunstall offered the following Senate Joint Resolution:

S. J. R. 4. Resolved by the Senate, the House concurring, that a joint committee of five, consisting of three on the part of the House and two on the part of the Senate, be appointed to wait on the Governor of Alabama and inform him of the organization of the Legislature and its readiness to transact public business.

Which was, under a suspension of the rules, unanimously adopted by the Senate. And the President and Presiding Officer of the Senate appointed as committee on part of the Senate, Messrs. Tunstall and Bonner.

Mr. Powell offered the following Senate Joint Resolution:

S. J. R. 5. Resolved by the Senate, the House concurring, that the Senate and House of Representatives meet in Joint convention in the Hall of the House of Representatives at 4 P. M. on this January 9th, 1923, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the General election in November, 1922, as required by Section 115 of the Constitution of Alabama.

Which was, under a suspension of the rules, unanimously adopted by the Senate.

Mr. Jones of Barbour offered the following Joint Resolution:

S. J. R. 6. Whereas, the former head of the Polish Government, Paderewski, will soon visit the City of Montgomery;

Be it resolved by the Senate, the House concurring, that this distinguished patriot be invited to appear and address the Legis-

lature of Alabama in Joint Session upon the day set for his visit to the City of Montgomery, at the hour of 12 Noon.

Which was, under a suspension of the rules, adopted by the Senate.

Mr. Teasley offered the following Senate Resolution:

S. R. 7. Resolved by the Senate, that the Doorkeeper be requested to secure at once from the Secretary of State and provide each member of the Senate with a copy of the Code of 1907, and a copy of the General and Local Acts adopted since the adoption of the Code.

Which was unanimously adopted, under a suspension of the rules, by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has perfected its permanent organization by election of the following officers, to-wit:

Speaker, Hugh D. Merrill, of Calhoun.

Clerk, J. H. Stewart, of Randolph.

Assistant Clerk, Jno. Q. Adams, of Dale.

Doorkeeper, T. J. Fain, of Dale.

Assistant Doorkeeper, L. P. Bamberg, of Perry.

Enrolling Clerk, J. P. Hanks, of Montgomery.

Engrossing Clerk, Leon Jackson, of Montgomery.

And is ready for the transaction of any business.

J. H. Stewart,
Clerk.

RECESS.

At 2:05 o'clock P. M., on motion of Mr. Ellis, the Senate took a recess until 3:45 this afternoon.

AFTERNOON SESSION.

The Senate re-convened at 3:45 o'clock P. M., Lieut. Governor Miller presiding.

ROLL CALL.

On a call of the roll, 30 members answered to their names, a quorum of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

By Mr. Tunstall:

H. J. R. 2. Resolved by the House, the Senate concurring, that a committee of three from the House and three from the Senate be appointed by the presiding officer to wait upon the Governor and inform him that the house has organized and ready for the transaction of business.

And the Speaker has named on part of the House, Messrs. Tunstall, Walker and Fite, and sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Waddell, the Senate concurred in and adopted the foregoing H. J. R. 2, set out in the foregoing message from the House, and the President and Presiding Officer of the Senate appointed as a committee on part of the Senate, Messrs. Tunstall, Bonner and Waddell.

Yeas, 27; Nays, 0.

Messrs:

Adams	Duncan	Inzer	Overton
Bonner	Ellis	Johnson	Pelham
Brooks	Foster	Jones (Barbour)	Randall
Brower	Garth	Jones (Conecuh)	Slonge
Carlton	Hildreth	Middleton	Tunstall
Carmichael	Hudgens	Nolen	Waddell
Craft	Hutson	Oliver	

—27

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has concurred in and adopted S. J. R. No. 5, relative to a joint meeting of the two Houses for the purpose of canvassing the vote of the general elections under Section 115 of the Constitution and returns same to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Powell, the Senate concurred in the following amendment by the House to S. J. R. No. 5, set out in the foregoing Message from the House, to-wit:

Amend by substituting for the words "4 P. M. on this January 9th, 1923" the words: "10:30 Wednesday".

Yeas, 28; Nays, 2.

Yeas:

Messrs:

Adams	Carlton	Duncan	Garth
Brooks	Carmichael	Ellis	Hildreth
Caffey	Craft	Foster	Horton

Howle
Hutson
Inzer
Johnson

Jones (Conecuh)
Martin
Middleton
McNeil

Oliver
Pelham
Powell
Randall

Slone
Teasley
Tunstall
Waddell

—28

Nays:
Messrs:
Bonner

Brower

—2

GOVERNOR'S MESSAGE.

To the Members of the Legislature of Alabama:

Gentlemen: It gives me pleasure to welcome you to the capitol and to assure you of my hearty co-operation in all your efforts for the advancement of the interests of Alabama and the promotion of the welfare of her people. I sincerely hope that your session will be characterized by harmony, wisdom and sound business judgment, and that the legislation you enact may be of a character that will merit and receive the approval of the right thinking people of the State.

I earnestly advise you to avoid the enactment of too much local and special legislation. The practice is far too prevalent. No rule can be more just and equitable than that of the Legislature passing general laws and requiring all alike to regulate their conduct by them. Special laws often interfere with the administration of justice, bear unequally upon individuals and groups of citizens and tend to confound rather than protect the rights and liberties of the people. Some special and local laws may be found necessary and advisable but they should be used sparingly.

This message is sent to you in obedience to the mandate of the Constitution which requires the Governor at the close of his term of office to give to the Legislature information of the condition of the State. In submitting for your consideration such recommendations as I deem expedient and in making such comments as may seem proper, I shall leave to the heads of the respective departments, to whose efficient work and splendid co-operation I am greatly indebted, the more specific and detailed statements and suggestions, using so much of their reports as may be necessary to enable me to lay before you a general statement of the condition of the State. I shall also, through the medium of this message, render to the people of the State an accounting of my stewardship during the past four years. Perhaps no better method of rendering this account can be employed than that of mentioning specifically my campaign promises and the recommendations I submitted to your predecessors and briefly commenting upon the action of the Legislature and the administration concerning them.

The following is a list of all of my campaign pledges and the most important recommendations to the Legislature and a statement of the action of that body in response to them.

FIRST—Laws for the enforcement of

PROHIBITION

The first bill of general importance passed by the Legislature of 1919 was H. B. 7, known as the Bone Dry Law. That legislation was followed by the ratification of the Eighteenth Amendment to the Constitution of the United States by 46 states of the Union and the proclamation of the Secretary of State that the amendment had been adopted by the required number of states and was a part of the Constitution. There has been sincere cooperation between the State and Federal authorities for the enforcement of the prohibition laws, State and Federal, with the result that those laws have been reasonably well enforced, as well or perhaps better than many other laws on the statute books. The economic and moral advantages and benefits accruing to the State from the passage of State and Federal laws on this subject are incalculable and can not be over estimated.

In this connection, I shall record the true story of an attempt to amend the law so as to allow the lawful sale of non-intoxicating cereal beverages, about which there has been some misapprehension. Before the call for the extraordinary session of 1921 was issued I was visited by a small group of citizens who requested that the subject of cereal beverages be embraced in the proclamation calling the Legislature together. I declined to comply with the request on the ground that one house of the Legislature had passed unfavorably on the matter and that submission of the question again was useless. Subsequent to that interview pledges of 18 Senators and 54 Representatives to vote for the measure were presented to me. I thereupon placed the subject in the call for the session and submitted it *without recommendation*. It seemed clearly a duty to allow a vote on a question on what was virtually a request of a majority in each house. Instead of making a recommendation, I submitted arguments for and against the proposal prepared by able friends and enemies of the proposition, Hon. Victor H. Hanson of Birmingham and Dr. W. B. Crumpton of Montgomery, respectively. On coming to a vote in the House the bill was lost by a vote of 51 to 39, notwithstanding the fact that 54 members had signed pledges to vote for the measure. It is clear that a number of the members violated their written pledges. I did not then nor do I now see any harm in allowing the sale of a non-alcoholic non-intoxicating beverage. On the contrary, I believed then and I believe now that the sale and use of such harmless drinks would be in the interest of temperance and the enforcement of the law against intoxicants, but the fact remains that I did not recommend the passage of the bill out of respect to the views of leading prohibi-

tionists who disagreed with me. I make this statement, not for the purpose of re-opening the question but simply that the truth might be known and that the responsibility of the whole matter should be placed where it belongs, viz.: on the shoulders of the members who signed the pledges, many of which were broken.

LAW ENFORCEMENT DEPARTMENT

At the adjourned session of the Legislature in 1919 the Governor was authorized to employ a special force of not more than ten men, to serve under his immediate direction, to assist him in taking care that the laws are faithfully executed. The sum of \$20,000 per annum was appropriated for the purpose.

At the special session of 1920 authority was given for the increase of the force to not more than thirty men and the appropriation was increased to \$50,000 per year. The following is a summary of the work of the department during the period from its creation September 30, 1919, to September 30, 1922:

Arrests:

Violation of prohibition law.....	1,903
Operating still	587
Having still in possession.....	292
Miscellaneous	2,167
	<hr/>
	4,949

Disposition of Cases:

Convictions	2,043
Nol prossed	313
Acquitted	301
Abated by death.....	6
Abated by insanity.....	2
Grand jury failed to indict.....	55
Pending	2,229
	<hr/>
	4,949

Property Seized and Destroyed:

Stills	1,394
Beer	704,349 gallons
Whiskey	10,310 gallons
Apple cider	200 gallons
Home brew	5,135 bottles

Property Confiscated:

Automobiles	44
Trucks	7

Gasoline launch	1
Railway motor car.....	1
Buggies	2
Schooner	1
Mules	6
Wagons	5
Horses	3

FINES AND EXPENSES

Cash fines	\$142,853.00.
Expenses	128,662.00
Excess of fines above expenses.....	\$ 14,191.00

The Constitution requires the Chief Executive to "take care that the laws be faithfully executed." It is not always an easy task. In some counties the local officers are not in sympathy with certain laws and in such circumstances proper law enforcement is next to impossible. In such cases the law enforcement department has been of very great assistance. But its chief activities and best results have been obtained in co-operation with local officers with whom the most cordial relations exist throughout the State with the exceptions noted above. The accomplishments of the department have more than justified its creation. It will be seen that the cash fines imposed upon violators of the law exceeded the expenses of maintaining the department by \$14,191.00. No friend of law and order and the enforcement of the prohibition laws in particular could possibly advocate the reduction or abolition of this body of law enforcers.

This department could be enlarged and its scope of activity widened with profit to the State. It could be used to advantage in running down criminals, murderers and other grave offenders against law and society, working in co-operation with sheriffs and other local officials. Events during recent years have proved the utter inadequacy of present means and methods employed for the apprehension of this class of criminals.

The appropriation for its maintenance should be adequate for the addition to the force of highly trained specialists in the business of running down crimes of a more serious nature than those for which it is used at present.

PUBLIC HEALTH

No branch of the State government has made more splendid advances during my term of office than has the Department of Health. It has fulfilled its early promise of real achievement.

The machinery of our health organization has been perfected and adapted to the safeguarding of the health and lives of the

people of Alabama, with such success that scientists from other states and from foreign countries have come here to study our organization and to observe our plan of operation.

The improved office and laboratory facilities provided by the last Legislature have enabled the State Board of Health, in its new quarters at 519 Dexter avenue, to expand its service with the greatest degree of satisfaction and least possible expense to the State. Improved administrative methods in the Pasteur Institute have resulted in the saving of \$10,000.00 a year to the State; typhoid vaccine is now being made and distributed free to the citizens of the State. Diphtheria anti-toxin is distributed free to indigents and all other biological products are distributed at minimum cost to the purchaser.

The money which the State has appropriated for health work has, through wise handling and obvious achievement, attracted supplementary funds from the coffers of Federal and voluntary health agencies.

A total of more than \$85,000.00 from these sources has been added to the State's appropriation and spent in health protection.

These are some of the outstanding evidences of real accomplishment:

Twenty of our more populous counties have the protection of full-time health service; this covers 50% of our entire population and 31% of our rural citizenry considered alone. According to the rating of the United States Public Health Service, only two states in the Union equal or excel this record.

Safe city water supplies serve our urban population under the watchful supervision of the Engineering Bureau of the State Board of Health. As a result of safe water and full-time health service, typhoid fever is becoming more and more uncommon and deaths from this disease are fewer by about two-thirds than they were four years ago for the entire State. This means a saving of more than 2,000 lives which would have been lost by typhoid fever alone had conditions remained the same throughout 1921 as obtained in 1917.

The machinery for the collection and preservation of statistical records has been brought to a degree of accuracy which will admit Alabama to the United States Registration Area.

The hotels of the State are inspected systematically and marked progress has been made toward making the traveling public comfortable; cafes, soft drink stands and bottling plants have been brought to a very high standard of sanitation; regulations governing food supplies have met a need long felt by the general public.

Malaria control projects are in operation throughout the State and the results of this work are apparent in increased industrial efficiency in malaria sections and a lowered death rate from ma-

laria. Another 1,000 who were due to die from this cause, according to 1917 figures, are enjoying life as a result of preventive measures instituted by the Health Department. It is with no small degree of pride that I mention the fact that at a recent competitive exhibit held in Chattanooga by the Southern Medical Association, Alabama won first prize for malaria control work.

Alabama is rated first by the United States Public Health Service in venereal disease control. A State-wide campaign against the social diseases is carried on by means of 12 free clinics and 115 co-operative clinics which latter charge a nominal fee of \$2.00 for service which ordinarily costs from \$15.00 to \$25.00. That appreciable progress is being made toward the eradication of these diseases is shown by a constantly decreasing number of new infections combined with longer continued treatment for all cases under supervision.

Women of the under world have been a problem in every generation. Many of these wrecks of society might be redeemed if adequate facilities were provided for their treatment and rehabilitation. I recommend that a detention home for infected prostitutes be built and adequate provision made for the maintenance of the home and treatment of its inmates.

The problem of approaching and enlightening our boys and girls on question of sex and the dangers attending exposure to social diseases has been a source of concern to parents in every age; we have here in this agency a sane program for reaching and teaching the high school boys and girls which merits the approval of every parent in Alabama.

The harmonious working relations between the various departments of the State government are gratifying. The State Board of Health and the Department of Education are working hand in hand for the upbuilding of our children.

The University of Alabama in co-operation with the State Board of Health is conducting an extension course in School Health Work for Teachers.

The Agricultural Extension Department at Auburn is in thorough accord with the aims and purposes of the State Board of Health in its program of health education, the results of which are evident in many ways, but conspicuously so in the lowered death rate from pellagra.

The Alabama Tuberculosis Association is co-operating with the State Board of Health in a general health program; Alabama is one of the few states of the Union having no hospital for the care of tuberculous citizens. I, therefore, recommend that such an institution be established.

Work already inaugurated for the protection of mothers and babies as one feature of the county health programs has been recently expanded by the addition of a number of nurses through

our acceptance of the Sheppard-Towner Act, which provides for an annual subsidy to each of the forty-eight states of Federal money to the extent of \$5,000.00 outright and an additional sum determined by the size of its population, provided, that this additional sum be matched dollar for dollar by State funds forming a budget for financing educational work with regard to the hygiene of maternity and infancy.

The funds made available to Alabama in this way amount to \$25,836.95 per annum, \$20,836.95 of which must be matched by State funds.

As Chief Executive of the State, in order to meet the demands of this Act, I accepted these funds from the government in the spring of 1921; I am recommending that a joint resolution be passed by the State Legislature confirming my executive action.

An altogether higher conception of health as an economic asset is evident among our people than that which was in evidence at the beginning of my administration. The figures quoted above represent lives saved from a few definite causes mentioned and do not take into account the higher level of health and industrial efficiency noticeable throughout the State and the higher physical rating of our school children.

An analysis of the progress of the past four years in public health in Alabama in comparison with other commonwealths convinces me of two things:

First—That the Alabama State health system is fundamentally sound and workable and that the freedom of initiative it allows the health executive combined with the lump sum budget which affords opportunity for astute business management presents a unique opportunity for the development of that quality of leadership which our democracy so sadly needs and so seldom produces.

Second—That in Dr. S. W. Welch, State Health Officer, charged with the physical well-being of our people, Alabama has a great leader for a great cause and that this leader, who brings to the working out of high purposes the ripe experience of a sound business and professional career, is pre-eminently fitted to serve and conserve the health interests of the State of Alabama.

Your attention is again called to the fact that \$85,000 was spent in Alabama last year in demonstration work by agencies outside of the State; these several activities must be taken over at some time by the State; the work must go forward or break down and an increase in the appropriation will be necessary.

I would consider it a profitable investment for the State of Alabama to place at the disposal of our health organization an appropriation of \$500,000 per year. The State could make no better investment. It would pay enormous dividends in the form of thousands of lives saved annually and in a tremendous increase

in the mental and physical vigor of our people, resulting in a vast increase in the producing powers of our people. That sum would be a mere bagatelle along side the increased value of crops produced by a healthy, full blooded, vigorous people.

EDUCATION

In no other field of human endeavor is interest quite so keen and general as in that relating to the education of youth. This has been true in all ages. Even the savage of the forest found his greatest joy in training his sons for achievement in the arts in which he himself excelled. The crowning glory of our modern civilization is its recognition of education as a governmental duty. All civilized peoples now make provision at public expense for the systematic training of their youth for efficient citizenship and for success in the occupations of life.

The people of Alabama have expended much of money and energy in an effort to provide education for their children. For several decades each State administration has improved upon the educational record of its predecessor. In the making of appropriations as well as in the improvement of the laws under which our school system is administered, there has been marked and continued progress.

THE SURVEY COMMISSION

In spite of the acknowledged rapid improvement in the public school system within recent years the people of the State in 1919 were face to face with the fact that the educational opportunities of a vast majority of our children were far below what every patriotic citizen desired. It was deemed wise, therefore, before passing new laws and making further appropriations, to take stock or make an inventory of what we had in the way of educational facilities, to examine into the character of the services rendered by the existing educational machinery, and to determine in what degree our educational affairs were being efficiently administered.

Upon my recommendation, the Legislature in February, 1919, passed an Act providing for the appointment of a commission of five members to make a study of the public educational system of Alabama, including all schools and educational institutions supported in whole or in part from public funds, to determine the efficiency of the same and to report its findings with recommendations to the Governor on or before July 1st of that year. In the appointment of the commission one member of the Senate, Hon. A. H. Carmichael, and one from the House of Representatives, Hon. J. E. Dunaway, were chosen, and to these were added three other well known and leading citizens, Hon. Sydney J.

Bowie, Dr. R. H. McCaslin, Hon. Geo. H. Lanier, Mr. Bowie being chairman. The recognized high character of the men composing the commission at once commanded the respect of all concerned, assured in advance general confidence in any program which might be undertaken, and guaranteed a careful consideration by the Legislature of the findings and recommendations to be submitted.

Among others the commission called as counselor the United States Commissioner of Education, Dr. P. P. Claxton. With his assistance a survey staff was selected, made up of experts from the U. S. Bureau of Education and other sources, and headed by Dr. Claxton himself. The findings of the survey staff were embodied in a report to the commission, which was published by the U. S. Bureau of Education. That report is a monumental work. It gives detailed information on every phase of educational development in Alabama from kindergarten to university.

The commission found what was already manifest to students of education, namely, that Alabama had many excellent laws relating to schools; that they were not properly co-ordinated; that they constituted a patch-work system, from which a number of fundamentals were altogether omitted. A comprehensive report with recommendations was submitted to the Governor who in turn transmitted it to the Legislature. After a very careful consideration that body adopted a new School Code which was prepared by the commission with the assistance of the State Department of Education, and which became effective September 26, 1919.

The Code provided for a re-arrangement of the public school system, supplied the omissions in administrative and supervisory organization, and minimized unnecessary duplication of effort. Excepting the University, the Polytechnic Institute, and the Technical Institute and College for Women, it placed the control of the several educational agencies of the State in a State Board of Education, whose powers and duties are comprehensive, well defined and abreast of the best expert opinion and practice. The Board consists of six appointive and two ex-officio members, the Governor and the State Superintendent of Education. The terms of the appointive members are twelve years, one-third expiring quadrennially, thereby guaranteeing continuity and stability of polity and practice. All other boards and commissions, except county and city boards, were abolished and their several powers and duties vested in the State Board.

STATE BOARD OF EDUCATION

Excepting the three higher institutions mentioned, the State Board, through the State Superintendent of Education and his professional assistants, exercises general control and supervision

over the public schools of the State. The personnel of the Board, in addition to the ex-officio members is as follows: Hon. A. H. Carmichael, Mrs. Thos. G. Bush, Hon. A. L. Tyler, Dr. Daniel T. McCall, Hon. L. B. Musgrove, Hon. Jack Thorington. It is vested with all the powers and duties necessary for the efficient exercise of such control and supervision. The State Superintendent of Education and his professional and clerical assistants are the agencies through which the Board operates, the Superintendent being chief executive officer. The Board is required to hold annually four regular meetings and such special meetings as may be deemed necessary.

COUNTY AND CITY BOARDS

The county board of education elected by popular vote provided for by the Legislature in 1915 was continued by the Code. Its powers and duties were amplified and more clearly defined, to the end that in every county there might be established a uniform and more effective system of schools. The general administration and supervision of the public schools and of the educational interests of each county, with the exception of cities of two thousand or more inhabitants, are vested in the county board of education.

Among the most important duties of the county board of education is the appointment of the county superintendent of education who, under the provisions of the Code, is the chief executive officer of the county board. The duties of the county superintendent in regard to the supervision of the schools under the control of the county board are very similar to those of the State Superintendent in regard to the schools and institutions under the control of the State Board. Under the law and the regulations of the State Board only professionally trained educators of high character and successful experience are eligible for appointment to the position of county superintendent. County boards may go anywhere for a county superintendent. City boards have always had this power and that accounts in large measure for the superiority of city schools over rural schools. Yet there are those who would have the State revert to the old system of selecting county superintendents by popular election, under which system men were elected not infrequently who did not possess any professional qualifications whatever. A reversion to that method would in the opinion of experts be a backward step which would retard our educational progress immeasurably. That the Legislature would take such a step is inconceivable.

City boards of education were also retained by the provisions of the Code, and their duties and powers were also amplified and more clearly defined. Both city and county boards are clothed

with the authority and the responsibility of managing as a unit the school system within their respective jurisdictions.

Due recognition also is given by the Code to the board of school trustees which is in immediate charge of the school assigned to it by the county board. While teachers for the rural schools are selected by county boards on the recommendation of the county superintendent, the local board of school trustees has the power to refuse to accept the assignment of any teacher. It may also recommend the removal of any teacher. In other words the board of school trustees co-operates with the county board in an administrative and advisory capacity.

SCHOOL SUPERVISION

The paramount importance of expert school supervision is recognized in the Code. The State Superintendent is required to be a person of good moral character, of recognized ability as a school administrator, with academic and professional education equivalent to graduation from a standard university or college, who shall have had not less than five years' experience in public school work. County and city superintendents are required to hold certificates in administration and supervision issued by the State Board of Education, which certificates are issued only to educators of high professional attainments and successful teaching experience. The members of the local boards of school trustees are required to be discreet, competent and reliable persons of mature years. Principals and teachers are required to hold appropriate academic and professional certificates issued by the State Board.

STATE DEPARTMENT OF EDUCATION

Among the numerous constructive changes made by the Code that relating to the reorganization of the State Department of Education is far-reaching in its beneficial effects. The work of the Department is apportioned among ten co-ordinate divisions, as follows: Executive and Business Management, Teacher Training, Certification and Placement, Statistics, Rural Schools, Elementary Schools, Secondary Education, Physical Education, Vocational Education, Exceptional Education, and School and Community Betterment. This organization enables the Department to function in a systematic and efficient manner. Without such functioning the people cannot hope to receive the maximum of benefits from the use of moneys appropriated for educational purposes.

While this departmental reorganization along with a vast majority of the provisions of the Code are restatements or revisions of laws already in effect, the new features which set up a

uniform and articulated system for the administration and supervision of the public schools under a State Board cause this legislation to stand out conspicuously as one of the most significant contributions to educational progress in both State and nation.

I am reliably informed that among students of education everywhere the Code is regarded as being about the last word in wise and progressive educational enactments. This is attested by its endorsement and use as a textbook or for reference in the larger institutions for higher education. The wisdom of adopting the Code is evidenced further by the rapid and substantial progress which is being made under the operation of its provisions.

EXECUTIVE AND BUSINESS MANAGEMENT

The business and fiscal affairs of the Department of Education are administered through the division of executive and business management. The tremendous responsibility borne by those charged with the duty of keeping the records and seeing that the laws governing expenditures are complied with is realized when it is known that the funds handled or supervised during the last four years aggregate \$44,064,270.00. This sum includes all expenditures made for elementary schools, high schools, agricultural schools, normal schools, rural school buildings, school libraries, removal of illiteracy, transportation of pupils, vocational education, and the rehabilitation of men and women disabled in industry or otherwise. The revenues from which these expenditures were made came from State appropriations, State, county, and district school taxes, the land fund, incidental fees, appropriations made by county boards of revenue and city commissions and councils, together with all funds received from miscellaneous sources, including gifts and donations used or expended in the promotion of public education throughout the State.

Similar expenditures from similar sources for the preceding quadrennium aggregated \$21,464,728.00. The great increase in educational expenditures during the quadrennium now closing over the preceding one is due in large measure to the beneficial and progressive educational legislation enacted during that period. During that quadrennium a constitutional amendment authorizing the levy of county and district taxes for school purposes was submitted and adopted, and a large part of the increase in public school revenues has come from county and district tax levies. However, the large increase in school revenues from county and district tax levies as well as that in State revenues for school purposes has been made possible by the operation of the policy of tax equalization pursued by this administration.

The increase in the State apportionment to counties during the past four years over the preceding like period has been from \$8,686,900.00 to \$11,101,379.00, a net increase of \$2,414,479.00. The per capita apportionment has been raised from \$2.86 to \$4.59.

During the past four years other increases for services under the State Board of Education have been as follows: For the general education fund from a net amount of \$161,500.00 annually to \$500,000.00; for the rural school buildings from \$134,000.00 annually to \$221,500.00; for the removal of adult illiteracy from nothing to \$12,500.00 annually; for vocational education from nothing to \$102,000.00 annually, which is matched by the Federal government; for the rehabilitation of men and women disabled in industry and otherwise from nothing to \$21,872.95 annually, which is matched by the Federal government; for high schools and secondary education from \$201,000.00 annually to \$271,000.00; for the State secondary agricultural schools from \$43,500.00 annually to \$75,000.00; for the State normal schools from \$114,000.00 annually to \$214,000.00; for the revolving fund used by the State Board of Education to equalize educational opportunities from nothing to \$100,000.00 annually; for statutory salaries in the Department of Education from \$9,600.00 annually to \$14,640.00. An appropriation of \$30,000.00 was also made to each of the four Class A normal schools for the erection of a training school building. Three of these buildings have been erected and the fourth is under construction.

TEACHER TRAINING, CERTIFICATION AND PLACEMENT

In view of the enormous expenditures being made for education it becomes more and more important that the standard of instruction be of the highest type, for in the final analysis the teacher makes the school. Through the division of teacher training, certification and placement, teachers are being professionally trained, certified and placed. This division has direct charge of the preparation of courses of study for the elementary schools, the supervision of instruction, the training of teachers in service, and the approval of courses of study in normal schools and other teacher training institutions.

STATISTICS

Through this division a definite and co-ordinated system of accounting has been set up for the State Department and for all of the counties; also for all of the institutions under the control of the State Board of Education. The division under the direction of the State Superintendent has prepared blanks, forms, registers, rules and regulations for all statistical reports required

of county, city, district and institutional officials. It has also attended to the editing of circulars, bulletins and reports issued by the State Department. The services rendered have justified the establishment of this division.

RURAL SCHOOLS

Through the division of rural schools the State Department of Education administers the appropriation made for the erection, repair and equipment of rural school buildings. During the past four years buildings have been erected, repaired and equipped with State aid as follows: New buildings, 587; old buildings repaired, 478; buildings equipped, 722; total cost, \$4,509,925.00. The cost to the State for drawing plans, inspecting and supervising the construction of these buildings was \$28,542.00, or less than one per cent.

The consolidation of schools and the transportation of pupils are promoted through this division. During the past four years 490 small schools have been combined into 206 consolidated schools, thereby increasing the enrollment of pupils in those schools from 13,946 to 32,728. The enrollment of pupils in high school grades in the communities affected has been increased from 748 to 5,936. The number of transportation vehicles employed is 285 and the number of pupils transported is 9,154. The cost of transportation in 1921 was \$221,284.00. In the opinion of students of education consolidation and transportation are essential to the solution of our educational problem in the rural districts. Hence my administration has fostered the movement. Practically all of the progress made in consolidation and transportation has been made during the past four years.

ELEMENTARY SCHOOLS

What has been said of the rural schools division is applicable in large measure also to the division of elementary schools, since most rural schools are of elementary grades. The work of the elementary schools division is co-ordinated with and performed through the division of rural schools and the division of teacher training, certification and placement. Such co-ordination is specifically authorized by the Code.

SECONDARY EDUCATION

The most phenomenal growth in our school system has been that which has come in the development of our high schools. During the present quadrennium the enrollment in high schools has increased from 26,457 to 50,000, or approximately 90%. The increase for the preceding quadrennium was from 20,293 to 26,457, or approximately 30%.

During the last three years the number of accredited high schools has increased from 149 to 205, or 37%. The supervision and accreditation of high schools prior to the adoption of the Code in 1919 was not directly under the State Department of Education.

Through the division of secondary education the State Department has been able, in spite of the rapid and unprecedented growth in numbers, fairly well to standardize the work of our high schools. However, since the junior high school has been made a part of our educational system the work of the division of secondary education has been greatly augmented. As a result the present force in that division is greatly over-loaded and finds itself utterly unable to visit and inspect many of the schools seeking accreditation.

PHYSICAL EDUCATION

The world war and the draft opened the eyes of the American people to the lack of physical fitness in its young manhood. Almost one out of three of the young men called to the colors during that war proved to be physically unfit for military service, and hence physically unfit for the maximum efficiency in any line of work. As a result both State and nation are giving attention to physical and health education.

The Code provided for such a division in the State Department of Education and through that division a program of physical and health education has been projected. This program has been inaugurated in a majority of the counties and has the hearty endorsement and active support of the State Health Department. The adequate support of this program can but mean a more vigorous childhood, a healthier and stronger manhood and womanhood in the future.

VOCATIONAL EDUCATION

Reference to appropriations for vocational education and rehabilitation training has already been made in the statement relating to executive and business management, in which the appropriations for such purposes were given as amounting to \$123,872.95 annually. As stated these appropriations are matched dollar for dollar by the Federal government.

Courses are given in agriculture, trades and industries, and home economics in the regular day schools, and at present there are in round numbers two hundred centers in which instruction is being given to more than five thousand pupils. In addition, part-time and evening classes have been organized in all three of the subjects and more than fifteen hundred men and women are receiving instruction in these classes.

In the rehabilitation service vocational training is given to men and women disabled in industry or otherwise. It is essential that such instruction be given such men and women before they have become burdens on society and have lost the all-important feeling of independence so necessary to every individual who is to play an active and successful part in the affairs of everyday life. The continuance of this service in increasing effectiveness is demanded by every humanitarian consideration.

EXCEPTIONAL EDUCATION

It has long been regarded a State duty to provide for the education of our children. The responsibility has been accepted with wider applications by each succeeding Legislature and at the session of 1915 this responsibility was extended so as to include the adult illiterate, who in many cases through no fault of his own had reached his majority without the ability to read and write. The last Legislature went farther than any preceding one and directed the State Board of Education to organize a division of exceptional education to promote the work of removing adult illiteracy. An annual appropriation of \$12,500.00 was made and through its wise expenditure it has been possible materially to reduce the number of adult illiterates in Alabama. With an adequate appropriation adult illiteracy could be reduced to a minimum before the next Federal Census is taken. I recommend that the appropriation for the removal of illiteracy be increased to not less than \$35,000.00 per annum.

SCHOOL AND COMMUNITY BETTERMENT

Through the creation of the division of school and community betterment in the Department of Education, Alabama put herself in line with one of the most important educational movements of the present day, the community-organization movement, the purpose of which is that the public school and the schoolhouse may be made more valuable to the communities in which the schools are located. This division has direct charge of school improvement, parent-teacher, and community organization work throughout the State. It encourages and co-operates with all agencies designed to foster the betterment of school and community interests.

There are at present 489 school welfare organizations and mothers' clubs with which this division is co-operating. More than a million dollars is raised annually through community organizations of one kind or another. It is apparent, therefore, that the promotion and supervision of community activities along educational lines are proper functions of the State Department of Education.

This division was provided for in the Code at the instance of the Alabama Federation of Women's Clubs and through its activities the public schools are coming rapidly to be the civic and social centers of the communities in which they are located. The results obtained more than justify the cost entailed.

NEGRO EDUCATION

Our people are coming more and more to realize that education is a natural right and should be a universal privilege. As a result of this widening conception wherever there is a colored population in our State there is manifest an increased interest in providing for its education. This has been due to several reasons, one of which is economic, it being recognized by the dominant race that in order to secure and retain efficient workers for agriculture and industry in any community it is necessary to provide more adequate educational facilities for their children. Another and higher reason has been the growing conviction on the part of the leading men and women of the South that simple justice and the preservation of the highest interests of this section demand that the negro be given educational opportunities commensurate with his ability to profit by and utilize them in the performance of his duties as a citizen.

With both of these forces at work it has been possible during the past four years to make material progress in negro education, especially along vocational, industrial and moral lines. It is believed that the education provided for the negro should be dominantly industrial and moral rather than dominantly cultural and professional.

In the promotion of negro education the State Board of Education has had the co-operation of the General Education Board, the John F. Slater Fund, the Julius Rosenwald Fund, the Jeanes Fund, and the Phelps-Stokes Fund, for which co-operation all concerned are duly grateful.

REVOLVING FUND

Attention is called to the revolving fund, the reasons for its establishment and the conditions rendering necessary its continuance and augmentation. The amount of taxable property in the several counties varies widely. In a county like Jefferson or Montgomery the three-mill school tax, county and district, together with the State per capita apportionment, supplies funds sufficient to maintain free schools for the white children for terms of nine months and in the former almost similar terms for the negroes; whereas the same taxation in such counties as Cleburne or Lawrence provides school terms of less than five months. Thirty-seven counties have terms shorter than six months.

Facts similar to these caused the Legislature of 1919 to provide a revolving fund of \$100,000.00 annually to be used by the State Board of Education for lengthening terms and otherwise bettering conditions in rural schools, and for worthy purposes for which no adequate provision had been made. During the past year forty-six counties have participated in the distribution of this fund. However, it would require an equalizing fund of at least a million dollars to provide a term of seven months for all of the white schools. An average term of nine months is regarded as the national standard. Alabama should be satisfied with nothing less for her children. I recommend a revolving fund of not less than \$300,000.00.

What have we that may be thought of as having the highest excellence in the matter of constituting a satisfactory system for the education of our children?

1. We have a code of laws providing the machinery for the administration and supervision of the schools second to none in the nation. This is conceded by the educational experts of the country.

2. We have a county unit of school administration approved by educators generally and by students of economy as furnishing the only satisfactory way of bringing the management of the schools close to the people and yet providing units large enough for taxation, support and professional leadership, all of which are essential if there is to be a continuous policy in educational matters.

3. We have a State Board of Education which functions through the State Department of Education, in the organization of which every element of educational service has a representative responsible through the Department to the State Board for promoting that phase of our educational program with which he is specifically charged. The service of this Department is not that of a bureau or agency separate and apart from the actual work of the schools. Each member of the staff has a definite duty to perform, assists and has a part in the actual work of the schools, comes into contact with and learns first-hand the various needs, and out of this knowledge uses every means to secure the greatest returns possible to the taxpayers for expenditures made. In other words, the State Department has ceased to be merely an old-time auditing department and has become a new-time administrative and supervisory department.

4. We have a system of teacher-training in our normal schools for elementary and junior high school teachers second to none. In spite of the limited appropriations, less than half of the average for the nation, these institutions are rendering to the taxpayers a service in the preparation of teachers out of all propor-

tion to the funds provided for their operation. A recognition of this fact on the part of our law-makers can but result in increased support of these institutions.

5. We have three splendid institutions of

HIGHER EDUCATION

namely: the University, the Polytechnic Institute and the Technical Institute and College for Women—all suffering for want of money to sustain them.

None of these colleges has received the support necessary for its proper maintenance. All forward-looking citizens deplore the niggardly treatment they have received from the Legislatures in the past. Better provisions must be made for them if they are to accomplish the work for which they were created. The University and the Polytechnic Institute are now conducting campaigns for the purpose of raising funds for the erection of buildings to meet pressing necessities, and a campaign for Montevallo is in prospect. That money should be paid by the taxpayers of the State as other money is paid for the building of State institutions. The amount of contributions in prospect will be utterly inadequate for the erection of buildings sorely needed, while no provision whatever is being made for the funds necessary for the increased costs of maintenance. Something must be done and it must be done at once. A bond issue for the benefit of the State colleges has been suggested. There are sound reasons why a millage tax is to be preferred to a bond issue. In the first place, the millage tax would guarantee a more permanent solution of the problem, whereas a bond issue would constitute nothing more than a temporary and partial remedy and would entail a perpetual annual interest debt. In the second place the millage tax would provide more comprehensive relief for the reason that money thus secured could be used both for building and for maintenance purposes, while the proceeds of a bond issue would obviously be absorbed in building purposes alone. While the institutions sorely need additional buildings and equipment there is a still more vital need of larger maintenance funds. It must be kept in mind that the main thing after all, is effective teaching, which costs money. As between inadequate buildings and inadequate teaching there can be but one choice.

An amendment to the Constitution providing for a millage tax would be in line with modern procedure in many progressive states. I recommend the submission of an amendment to the Constitution providing a permanent millage tax for buildings, equipment and maintenance for the University of Alabama, the Alabama Polytechnic Institute, the Alabama Technical Institute and College for Women, the Class A normal schools and the A.

& M. College for Negroes, to be apportioned according to the needs of each institution. The submission of an amendment would require time, while the institutions are in immediate need of larger maintenance funds. So, therefore, I recommend that the funds for the maintenance of all the institutions mentioned above be increased not less than fifty per cent for the first year of the ensuing quadrennium and that substantial increases be made for each of the succeeding three years to meet the growing yearly demands.

Adequate financial provision for higher education, essential as it is, carries with it another responsibility on the part of the State. I refer to the responsibility of requiring a sane and economical use of the money made available, whether by appropriation or by a bond issue or by a millage tax. Wise regulation of the use of money devoted to higher education means that a million dollars will go farther than two millions under a system of useless duplication of institutional effort. Can we justify to ourselves or to the taxpayer any policy that involves a plain refusal on our part to demand the economical expenditure of money devoted to higher education?

Entertaining this conviction the Legislature four years ago created a commission to study the whole problem, to which reference has heretofore been made. This commission brought to its aid the best expert advice. Certain conclusions were reached. These conclusions were publicly announced. It was thought that the problem had been solved. I regret, however, to report that the program has already been largely defeated by subsequent events. The result is that the Legislature alone, under the limitation of the present Constitution, is capable of dealing with the situation effectively.

The Legislature can, if it so elects, condition the appropriation of money to higher education upon a faithful performance by each institution of higher learning of the precise service it is designed to render. Or perhaps a more satisfactory method of securing the faithful performance of services according to the agreed program would be the placing of all institutions of higher education under one governing body, either a general board of trustees or the State Board of Education. My judgment is, and it is the judgment of educators with whom I have discussed the subject, that the latter is the better plan and I, therefore, recommend that you submit to the voters an amendment to the Constitution to provide that the University of Alabama, the Alabama Polytechnic Institute and the Alabama Technical Institute and College for Women be placed under the management of one board of trustees, to be appointed by the Governor and confirmed by the Senate, or the State Board of Education.

If the law-making power fails to do its plain duty in this respect, there will be an ever-increasing duplication of work resulting in wanton waste of the taxpayer's money. There will be an ever-increasing spirit of institutional antagonism. There will be a lamentable lack of institutional unity and efficiency, which will delay indefinitely the building of a comprehensive modern system of higher education. A reasonable regard for the rights of the taxpayer demands that the Legislature shall require the institutions of higher learning to subordinate their own individual ambition to the larger good of the State. Naturally each institution, if left unrestricted in its program, will be tempted to view the problem from its own viewpoint. There will inevitably result conflicting action. The question is: Who shall decide what is the sane and right thing to do? Only the disinterested expert is qualified to render that service. Four years ago we summoned a body of experts to show us the way. We have on record their findings. Shall we follow them?

No one will dispute the fact that civilization itself advances only as the expert is respected and his leadership followed. Shall we refuse to accept the findings of our own experts in this matter? Are we to ask the taxpayers to meet the useless expense involved in a refusal on the part of their representatives to meet courageously this issue? If we refuse to meet it, chaos will result. Money will be wasted. The partisan spirit will flourish ever more and more. Inefficiency in the whole field of higher education will be the certain fruit of our folly.

Our institutions of higher learning need money, and must have it. But, in giving it to them, we owe it to them and to the taxpayer to demand, in advance of embarking on any program involving largely increased expenditures, that disinterested, expert advice shall be respected by them in formulating the curricula they adopt. That is the only way to guarantee economy and efficiency. On that basis, and no other, would I advocate the larger program and expansion implied by my recommendation for largely increased appropriations through a levy of a millage tax.

ALABAMA SCHOOL FOR THE DEAF
ALABAMA SCHOOL FOR THE BLIND
ALABAMA SCHOOL FOR THE NEGRO DEAF AND BLIND, TALLADEGA, ALABAMA

From the report of the Board of Control and Economy:

"These three schools are under one management and while mentioned separately, they are operated together, hence will be referred to here in a group.

On assuming control of these schools granted the Board by the Act creating it, they were visited by members of the Board, and a survey made of them, with recommendations.

It was found that these schools did not own sufficient land to operate a farm or garden of any great extent. The inmates of these schools remain only through a school period of nine months, consequently but little attention has been given the farms and gardens at these places. General sanitary conditions and housing conditions were found to be very good at these institutions. Such defects as were noted were of minor importance and readily remedied. Few important changes of specific nature have been made in the management or method of conducting these schools.

At the School for the Deaf they have added to the faculty a teacher in lip-reading, and obtained excellent results. A linotype machine has been added to the printing equipment of this school where they have been turning out very good work. Their vocational shops have been overhauled and are now in use by the institutions.

The School for the Blind has added to their faculty a teacher in fancy work and basket weaving, and has accomplished a great deal. A player-piano has been added to the equipment of this institution to aid them in their studies to qualify as piano tuners.

A method of issuing supplies and keeping track of same has been installed by the Board, as has been done at all institutions. The store rooms at each institution are taken charge of by one person, and the supplies issued to the culinary departments daily, and a report of same made to the Board monthly on what is known to us as a Ration Sheet, the correctness of which is certified to by the head of each institution.

An audit of the books of these institutions revealed the fact that they were all in debt when the Board of Control and Economy took charge, and were operating under great difficulty, and with the high cost of commodities used by them, and their inability to produce same, it was evident that relief could only be had by an appropriation giving an increase in maintenance.

Under provision of an Act approved September 30, 1919, to be found on page 797, the maintenance appropriation for the School for the Blind was increased from \$230.00 to \$300.00 per annum per capita.

Under provision of an Act approved September 30, 1919, to be found on pages 801 and 802, the maintenance appropriation for the School for the Deaf was increased from \$230.00 to \$300.00 per annum per capita.

Under provision of an Act approved September 30, 1919, to be found on pages 753 and 754, the maintenance appropriation for the School for the Negro Deaf and Blind was increased from \$230.00 to \$300.00 per annum per capita.

All of the schools are now living within their income. During the fiscal year just passed they have made substantial payments on the outstanding notes given by the Principal, F. H. Manning, to cover accumulated deficits resulting from inadequate appropriation previous to the Acts of 1919 increasing same.

If additional lands could be acquired on which to employ the deaf in gardening, and truck growing, also dairying and poultry raising, they would have an opportunity over what they now have, to increase their earning capacity after they leave the school. The lands adjoining the school property, however, are held at a very high price, and it is doubtful if sufficient of it could be economically acquired for this use.

The principal of the school, F. H. Manning, is asking for additional appropriation in order that he may employ for the School for the Deaf a teacher of manual arts, a teacher of domestic science, an additional literary teacher, an instructor in tailoring and an instructor in shoe-making; for the School for the Blind, two additional teachers, and two teachers for the School for the Negro Deaf and Blind.

The attendance at all three schools has increased largely during the last two years, and if it continues to increase new buildings and equipment will be necessary to accommodate these schools."

I recommend that an appropriation be made for the purchase of the land required for the purposes mentioned in the report above, including a first-class dairy and cows sufficient to supply the schools with milk and butter; also for the employment of the teachers and instructors asked for by Mr. Manning.

PUBLIC ROADS

It would be superfluous to discuss the value of improved highways and bridges. The subject has been thoroughly considered in two campaigns which were conducted in the interest of amendments to the Constitution of the State providing for the issue of \$25,000,000 road and bridge bonds. At the first election the amendment was ratified by a vote of 83,607 for the amendment to 12,026 against. The second election resulted in the ratification of the amendment by a vote of 111,524 to 22,918. It is therefore certain that the people of the State are thoroughly committed to the policy of building a system of improved highways and bridges. For details of the building of roads and bridges, completed, under process of construction and projected, I refer to the report of the State Highway Engineer. That report speaks for itself and shows good progress under the difficult circumstances.

I have just three recommendations to submit touching the subject:

First: That the Highway Commission be reduced in numbers. My judgment is that more satisfactory results would be obtained by a well-paid commission of three members, or by the employment of one man to serve as Commissioner of Roads and Bridges, vested with all the authority that is now vested in the Highway Commission. The salary should be sufficient to command the services of a high class, outstanding business man. It is my firm conviction that such a man devoting his entire time to the work would save the State many times the salary paid him and that the results would be very much more satisfactory to all concerned than can be expected from any unpaid commission whose members devote but a day or two each month to the work.

Second: Better provision should be made for the maintenance of roads. Constant repairs are absolutely necessary. Under the system which has prevailed heretofore a great part of the money spent for the building of roads has been absolutely wasted. To accomplish the necessary protection to the roads more funds will be required than are now provided for by law. I would recommend the levy of a tax of not less than two cents

per gallon on gasoline, all of the proceeds to be devoted to the upkeep of roads built with State and Federal funds.

This is a matter of tremendous importance. To neglect it will cost us millions of dollars; to take hold of it and solve the problem will save us millions. I solemnly warn the Legislature and the people of Alabama that if adequate provision is not made to protect the roads which will be built with the proceeds of the \$25,000,000 of bonds that money will be wasted in a very short period of time. I firmly believe that it would be wiser to stop right where we are and not build another mile of road than to go on with the program without providing the means for proper and sufficient maintenance.

Third: The weight of trucks allowed on the public highways should be limited to a tonnage that would protect the highways against the terrible abuse to which they are being subjected. Thousands of dollars of good roads are being daily destroyed or rendered almost unfit for use by these heavy vehicles operated for private gain. I strongly recommend that this matter be carefully investigated and that laws be enacted for the protection of the roads against these road-destroying vehicles. Furthermore, the license tax on motor trucks is entirely too small and should be materially increased. It will scarcely be possible, even with weights regulated, ever to compel these freight carrying trucks to pay a tax which will approximate the amount of damage they inflict on the highways.

ALABAMA SEAPORT AMENDMENT

Ratification of the Alabama Seaport Amendment by the voters in the November election provided a plan for State development which is as complete as can be made. The action of the people in approving the constitutional amendment is cause for congratulation. It shows that they can be trusted to do the proper thing when they have received full information regarding the subject.

The development of the port at Mobile should benefit every citizen of Alabama. This development will be an invitation to the ships of the world to make Alabama's port a stopping place for the loading of the immense cargoes which are now passing our own port en route to the port of another state. It will be an invitation to all developers of industry to use the giant waterway system developed by the American government—the Warrior river. It will be a means of stimulating business in general because water transportation means lower freight rates and lower freight rates mean a greater movement of commerce and a greater movement of commerce means the financial betterment of every citizen.

Every patriotic and enterprising citizen now looks forward to the day when Alabama cotton will move to foreign markets from Alabama's seaport and when Mobile will be the concentration point for the commodities of the Southern States.

The people have said that the seaport should be developed and have provided the means for the development. It is now the duty of the State to complete this development at the earliest possible moment consistent with good business practices. But the people would not have the State sacrifice their money for the sake of speed. It would be far better if there were some delay in development if such delay would mean the protection of the State's money.

It is now the plan of the State Harbor Commission to have engineers make thorough surveys of the State's harbor front and facilities and prepare recommendations before starting the development. This is commendable and I would urge the Legislature to lend whatever assistance it may deem necessary in furthering this plan.

In this development it is not necessary that a few persons extort money from the seaport development fund. It is within the power of the Legislature to safeguard expenditures. If there are any persons, resident or non-resident, who hope to dispose of their property at prices disproportionate to their value it is the duty of the State to use the statutes permitting the condemnation of property for public purposes. If these statutes are not broad enough the Legislature holds the remedy within its hands.

While the people have provided the funds and approved the development program, in the final analysis the responsibility for the actual development and the responsibility for the use or misuse of the public funds will be upon the Legislature.

BUDGET SYSTEM

Of prime importance and far-reaching effect was the adoption of a budget system. The budget law provides for a commission composed of the Governor, the Attorney General, and the State Auditor, charged with the duty of preparing and submitting to the Legislature within fifteen days after it convenes in regular session a budget for the ensuing four fiscal years. Said budget shall contain a complete plan of proposed expenditures and estimated revenues for the ensuing quadrennium. It is provided further that the Governor shall transmit to the presiding officer of each house bills for all proposed appropriations of the budget, clearly itemized and classified, and secure their introduction in each house as soon as practicable. A further and most important provision is that the Legislature will not alter said

bills except to strike out or reduce items therein unless by a vote of two-thirds of the members elected to both houses. There are other wise provisions in the law designed to prevent the over-appropriation of the public funds. This system or some other with similar purpose should be incorporated in the Constitution of the State, thereby forever keeping the expenditures within the income.

FINANCES AND TAXATION

The tax question is difficult, complex and vexatious. The most intelligent and painstaking examination and unselfish consideration are essential to its wise solution. Progress was made by the Legislature of 1919 with results as satisfactory perhaps as could be expected under our Constitution. An amendment to the Constitution broadening the powers of the Legislature so that it might classify property and apply lower rates to personal property than the rates applied to real property would, in my opinion, produce general satisfaction. The higher rate applied to personal property seems to be an irresistible temptation to many owners of such property to conceal it from the assessor, whereas a lower rate would be likely to bring hundreds of millions of values out of hiding and greatly increase revenues. However, this Legislature must work under the Constitution as it is written and therefore any suggestion for the classification of property can be adopted only for the use of a succeeding Legislature. I recommend the submission of such amendment.

It is a matter of congratulation and just pride that I am able to state that our finances are in a healthy and prosperous condition. It has not been necessary to borrow any money since November, 1920, when the last loan was negotiated. A considerable sum of interest money has been saved. The State has discounted all bills subject to discount and quite a sum has been saved in that way.●

At the close of the fiscal year September 30, 1922, the State was free of floating indebtedness, \$500,000 of the bonded State debt had been retired and a good working balance was in the treasury. I refer to the Auditor's report for details.

The confidence of the public in the credit of the State was favorably shown by the terms on which \$3,000,000 of the issue of \$25,000,000 road and bridge bonds were taken. Those bonds bearing 4½ per cent interest were sold at a slight premium over par and accrued interest.

I call your attention to the following excerpt from the very able, clear and satisfactory preliminary report of the State Tax Commission, embracing the period from October 1, 1919 to September 30, 1922. I heartily approve the suggestions of the Com-

mission for the levy of an income tax and for the amendment of the laws governing the assessment of property. I earnestly commend them to your favorable consideration, firmly believing that when you fully realize the obligation resting upon you to provide the funds necessary for the proper conduct of the government you will hesitate to destroy the only system of assessment that has ever produced anything approaching equalization and substitute therefor a system such as has been suggested and which would, in my judgment, produce what would be practically government by voluntary contribution. Names of officers may be changed without damage to the assessment machinery, but the destruction of the principle underlying the present system would prove disastrous. It would mean a stoppage of all progress and a backward movement all along the line. It would mean one of two things, viz.: either reduced appropriations for education, for Confederate soldiers, for the insane hospitals, and other eleemosynary institutions and for practically all other purposes, or the creation of a huge floating debt and consequent injury to the credit of the State. The quotation from the above mentioned report follows:

PROPERTY ASSESSMENT

"In every law covering the assessment of property the most important consideration should be that ample measures are provided for securing equalization. This truth is universally recognized, but it has been asserted so often that it apparently no longer makes an impression on the minds of those who are responsible for the revenue laws of this State. If the tax laws of Alabama for the past twenty-five years relating to the assessment of property are to be taken as evidence, and if the Legislatures enacting these laws have represented the true sentiment of the people, the conclusion must be reached that the people of the State do not want equalization in the assessment of property. A careful study of the revenue laws enacted in the last quarter of a century shows that not under any one of them, with the possible exception of the law of 1919, was equalization possible.

Under all of these laws final decision of assessment valuations has rested with Courts of County Commissioners and County Boards of Revenue, or with petty juries in Circuit Courts. There are sixty-seven Courts of County Commissioners or Boards of Revenue in Alabama, each composed of from three to five members. To suppose that the decisions of these Boards would result in State-wide equalization is to suppose that the several hundred members of these Boards are possessed of equal intelligence and character, have had the same knowledge and experience in tax matters, are controlled by the same motives and purposes, and are equally capable of resisting the influence of locally important citizens. Such a supposition, of course, could not possibly be well founded.

Still more absurd, if equalization is desired, is the plan of leaving the question of valuation of property to petit jurors. Even two juries on the same day and in the same court will, in a large majority of cases, render verdicts entirely out of line with each other so far as equalization is concerned.

We think the question whether equalization is really wanted should be faced squarely and answered honestly. If the answer is in the affirmative,

this Commission is of the opinion that to secure it the State must supersede the county as the unit for assessment valuations, appeals to petty juries must be abolished and a sufficient sum must be appropriated for a thorough investigation and revision of tax valuations throughout the State.

It is contended by some that a law which does not provide for an appeal to a court in which a trial by jury can be had would not be constitutional, because of the provision in our State Constitution against abridgement of the right of trial by jury and the "due process" clause in the Fourteenth Article of the Federal Constitution. In the opinion of this Commission, this contention is not sound and is contrary to the view taken by all well known authorities on taxation. These authorities hold that the constitutional provisions referred to have no application to revenue laws. Cooley, in discussing this question, citing numerous authorities for the conclusion reached, says:

'Such a construction applied to tax cases would work a thorough and radical change in the principles on which taxation is now supposed to rest. It would cripple the legislative power and subject the action of the department whose function it is to make laws on its own views of the question of public interest and public policy which the laws involve, to a review and possible reversal at the hands of a jury. . . . To make juries the assessors of the claims of the State upon individuals could only introduce anarchy; one jury reaching one conclusion regarding the public needs and the justice of its demands, and another another, until the State would be without general rule, and must fall to pieces from the incurable insufficiency of its government. Such construction of a clause agreed upon as an important provision in a charter of government can never have been intended.'

Our own Supreme Court holds that constitutional provisions relating to the right of trial by jury have no application to tax laws. In the case of *State vs. Bley*, 162 Ala. 239, our Court decided that "the constitutional right to trial by jury is not an enlargement of the right nor does it extend to cases in which it did not exist at the time of the adoption of the Constitution; it does not extend to taxation proceedings."

While a system of taxation, such as that in Alabama, in which the county is made the unit of taxation, practically renders equalization impossible, it is undoubtedly true that in the Revenue Act of 1919 an important step towards equalization was taken in providing for the appointment of Tax Adjusters to be paid salaries, instead of fees or commissions, and to work under the direction and control of the State Tax Commission.

Realizing the possibilities of a better equalization under this law, the Commission at once called a meeting at Montgomery of the Tax Adjusters. This meeting was called principally for the purpose of impressing upon the Adjusters the fact that this Commission regarded equalization,—not alone as between individuals, but as between counties, as the most important feature of assessment valuations. This has been the fixed policy of this Board and this policy has been time and again impressed on Tax Adjusters by correspondence, by general letters of instruction and by visits of representatives of the Board to the different counties.

In its work of equalization, the Commission soon discovered that there were certain classes of property, such as stocks of merchandise, machinery, and materials of manufacturing companies, etc., the true value of which could not be determined by a simple inspection by Tax Adjusters. Determination of these values required a knowledge which, in the judgment of this Board, could only be secured by an intelligent examination of the books of the owners of the property. We believed that the law gave to the Commission the right to have these examinations made and that we could not proceed intelligently in the work of equalization without the knowledge gained in this way. We, therefore, employed and trained a number of accountants for this work. In the main the taxpayers of the State permitted the exam-

ination of their books without objection, but in Birmingham and Montgomery a considerable number of the larger taxpayers denied the authority of this Commission to examine the books of taxpayers. It became necessary to institute a test suit to determine whether or not the Commission was given by law the authority claimed. In the final decision of this test suit by our Supreme Court, the contention of this Board was sustained. In some respects, however, the decision of the Court is not so complete as to remove all doubt and we recommend that the right of the Commission to examine books be made clear, full and explicit in whatever law may be enacted by the next Legislature. We regard this matter as of the highest importance. In our judgment, no one thing which this Commission has been able to do has been and will continue to be of so much benefit to the State as the assertion of the right of the State, through duly accredited agents, to examine books of taxpayers. This right is fundamentally an essential of fair and equal valuations of property and without it there can never be even an approximate equalization of assessment.

While equalization in Alabama is not yet an accomplished fact, it cannot be denied that the work of this Commission through the Tax Adjusters has resulted in a better equalization of property assessments in Alabama than ever before known in the history of the State.

This better equalization of tax valuations, based on the common standard of sixty per centum of actual values, has resulted in a large increase in total assessment valuations and a corresponding increase in both State and county revenues.

As a matter of general interest we submit below a statement of the average total of assessments for each four-year period since 1903:

	Average Total.	Increase.
1903 to 1906, inclusive.....	\$ 339,838,218.00	
1907 to 1910, inclusive.....	477,747,854.00	\$ 137,909,636.00
1911 to 1914, inclusive.....	576,135,391.00	98,387,537.00
1915 to 1918, inclusive.....	669,293,010.00	93,157,619.00
1919 to 1922, inclusive.....	896,471,424.00	227,178,414.00

In comparing the past four-year period with the four-year period preceding, cognizance is taken of the fact that for three years of the latter period the assessment was made in 1916, when the ravages of the boll weevil had been unusually large and when there had been a great destruction of crops by floods.

Notwithstanding the fact that the last four-year period includes the tax year 1919, in which the assessment was substantially the assessment made in 1916 under the 1915 Act, the increase is more than double the increase for any preceding period except the period 1907 to 1910, inclusive. If the year 1919 be excluded, the average annual assessment under the present law for the years 1920, 1921 and 1922 would be \$951,203,603.00, an increase of \$281,910,593.00, or over 42% as compared with the four-year period 1915 to 1918 under the 1915 law.

We think the figures given in this report clearly show that the present law is the best under which the State has ever operated. Not only is there a better equalization of taxes, but the increase in assessment valuations and revenue, greater proportionately than under any previous law, shows that this increase is due, not alone to the natural growth and progress of the State, but to a better administration in the matter of assessing property, made possible by the Revenue Act of 1919.

It has been claimed that the increase in assessment valuations of property has placed upon the people an excessive burden of taxation. During the past year when a political campaign for nearly all important State and county offices was being conducted, this claim of excessive taxation became

the popular cry of nearly all candidates, more probably in most cases as a means to an end than from conviction. So far as we have heard, no candidate advocated a reduction of the activities of the State government for the public good and none offered a suggestion of a means by which these activities could be maintained with a material reduction in State income. If some unpopular feature of the present law,—unpopular because of its efficiency,—is to be gotten rid of, additional taxes from other sources must be created if the usefulness of the State government is not to be impaired.

The wisdom of abandoning a law, the efficiency of which has been demonstrated, and of substituting therefor one creating new taxes which may prove equally unpopular may well be questioned.

But is it true that there is excessive taxation under the present law? If so, it is because of the high rate levied by the counties of the State,—not because of any State law, but because the citizens of the counties have voted and are continuing to vote upon themselves special taxes for schools and other purposes. Would they continue to vote in favor of these special taxes if they were already overburdened with taxation?

But, however this may be, this Commission is convinced that no excessive taxes are being collected for State purposes. In support of this opinion we call your attention to the following facts:

First. Figures submitted to you some months ago, which we do not think it necessary to reproduce here, showed that the tax rate in Alabama for State purposes is less than in any other Southern State except one and that it is the same as in that one.

Second. Taxes cannot be excessive in at least fifty-two counties of the State, because in each of these fifty-two counties the taxes paid to the State, including property taxes, business licenses, hunters' licenses, mortgage taxes, solicitors' and trial fees and poll taxes, total less than the amount returned to the same counties by the State for public schools, court costs, Confederate pensions, feeding prisoners, etc. In other words, in these fifty-two counties, taxes paid to the State are equivalent to an investment which is repaid in full each year and an added profit considerably more than the eight per cent which the State fixes as a fair return for the use of money. It is difficult to see how State taxes can be excessive under these circumstances.

It is worthy of note that most of the complaint of excessive taxation comes from the fifty-two counties favored, as here explained, in the distribution of State funds.

We attach hereto, Exhibit B, a statement showing the amount paid into and received out of State funds by each of the counties in the State.

Third. In the assessment of property there has been no over-valuation, as has been frequently claimed. This Commission, through its field agents and tax adjusters, had examinations made of the deed records in each county of the State, covering a period of several months just before and after October 1st of the tax year. Deeds do not always express the true consideration for the conveyance of property, even when they purport to do so. It has grown to be almost a custom to express in conveyances a consideration less than the true one in order that tax officials may not find out the real value of property. Nevertheless, from reports furnished this Commission only a few instances were found,—not more than a dozen in the entire State,—in which the assessment exceeded sixty per cent of the consideration shown by the deed. The reports as a whole showed that the average assessment was a fraction more than forty per cent of the sale price as expressed in the recorded conveyances.

Of the 32,818,560 acres in Alabama the Federal census classes 19,576,856 acres as "land in farms" and estimates the value of these farm lands, with improvements thereon, at \$543,657,755.00. Assessments in this State on the same class of property, as nearly as comparison can be made, total approxi-

mately \$230,000,000.00, or about forty-two per cent of the Census estimate.

We believe that the percentage of actual value at which assessments have been made, as shown by the record of deeds and by the United States Census, represents fairly the general level of all assessments in the State and that there never has been, except in a few cases where errors were made, any over-valuation of property by tax officials.

A further evidence that there has been no over-valuation of property is the small number of appeals by taxpayers from the decision of tax adjusters. There are in round numbers some 300,000 tax assessments made in this State each year. Of the total number of assessments made in the entire State the appeals from the decision of the Tax Adjusters to Court of County Commissioners or Boards of Revenue were 460 in the year 1920, 85 in the year 1921, and 148 in the year 1922. These appeals could have been made by taxpayers dissatisfied with valuations fixed by the tax adjusters without expense and without even the necessity of the employment of an attorney. The fact that so few appeals were made indicates that taxpayers were not dissatisfied, but believed that all assessments were being made on a basis of equality and as provided by law.

4th. It can hardly be said that excessive taxation exists when expenditures by the State for the direct and immediate benefit of the people exceed the total amount of taxes paid. In Alabama the entire cost of government and many other State expenses of indirect but material benefit to citizens of the State are more than met by income derived from sources other than taxation of the property or people of the State. In other words, the total amount of taxes paid by the people and on the property of the State is not sufficient to meet State expenditures for schools, public health and Confederate pensions. In substantiation of this statement we invite attention to the following:

1919

Property tax	\$ 4,388,299.00
License tax	451,347.00
Total tax collected.....	\$ 4,839,646.00

Expenditures:

School and other educational institutions.....	\$ 3,750,822.00
Pensions	960,836.00
Insane Hospital	462,819.00
Public Health	34,200.00
Total.....	\$ 5,208,776.00

1922

Property tax	\$ 6,184,045.00
License tax	568,273.00
Total tax collected.....	\$ 6,752,318.00

Expenditures:

Schools and other educational institutions.....	\$ 6,269,596.00
Pensions	1,269,363.00
Insane Hospital	708,752.00
Public Health	173,056.00
Child Welfare	30,746.00
Total.....	\$ 8,451,513.00

Four-Year Period, 1915 to 1918, Inclusive

Property tax	\$16,114,768.00
License tax	1,403,237.00
Total tax collected.....	\$17,518,001.00

Expenditures:

Schools and other educational institutions.....	\$13,281,758.00
Pensions	3,986,832.00
Insane Hospital	1,389,551.00
Public Health	101,720.00
Total.....	\$18,759,861.00

Four-Year Period, 1919 to 1922, Inclusive

Property tax	\$21,032,549.00
License tax	2,240,601.00
Total tax collected.....	\$23,373,150.00

Expenditures:

Schools and other educational institutions.....	\$19,935,321.00
Pensions	4,783,672.00
Insane Hospital	2,446,804.00
Public Health	518,254.00
Total.....	\$27,684,051.00

The several statements above cover a period of eight years, though any one year would have served as an illustration. We thought it best, however, to cover the last eight years lest it might be thought that we selected some one year in which the facts supported our statement when the facts were not the same for other years.

RECAPITULATION OF PUBLIC UTILITY ASSESSMENTS

Steam Railroads:	1919	1920	1921	1922
Tangible	\$ 92,276,929	\$101,702,490	\$103,983,077	\$106,648,771
Intangible	12,990,926	12,314,605	10,477,657	5,745,404
Total.....	\$110,267,855	\$114,017,095	\$114,460,734	\$112,394,175

Docks and Terminals:

Tangible	\$ 1,013,000	\$ 1,222,313	\$ 1,222,913	\$ 1,222,913
Intangible	None	2,000	2,000	1,000
Total.....	\$ 1,013,000	\$ 1,224,313	\$ 1,224,913	\$ 1,223,913

Express Companies:

Tangible	\$ 103,666	\$ 101,672	\$ 114,155	\$ 154,196
Intangible	None	None	None	None
Total.....	\$ 103,666	\$ 101,672	\$ 114,155	\$ 154,196

Sewer Companies:

Tangible	\$ 39,600	\$ 36,000	\$ 36,000	\$ 36,000
Intangible	None	None	None	None
Total.....	\$ 39,600	\$ 36,000	\$ 36,000	\$ 36,000

Electric Light and Power Companies:

Tangible	\$ 2,859,934	\$ 3,732,343	\$ 4,238,459	\$ 4,858,248
Intangible	341,449	454,513	527,616	686,854
Total	\$ 3,201,383	\$ 4,186,856	\$ 4,766,075	\$ 5,545,102

Gas Companies:

Tangible	\$ 654,180	\$ 708,337	\$ 838,617	\$ 1,194,397
Intangible	50,000	112,670	5,000	5,000
Total	\$ 704,180	\$ 821,007	\$ 843,617	\$ 1,199,397

Street and Suburban Ry. Companies:

Tangible	\$ 8,127,976	\$ 7,926,383	\$ 11,803,249	\$ 12,355,778
Intangible	3,826,699	3,883,482	192,297	287,072
Total	\$ 11,954,675	\$ 11,809,865	\$ 11,995,546	\$ 12,642,850

Water Works Companies:

Tangible	\$ 3,230,731	\$ 3,313,590	\$ 3,780,894	\$ 4,088,109
Intangible	150,000	80,000	50,000	340,000
Total	\$ 3,380,731	\$ 3,393,590	\$ 3,830,894	\$ 4,428,109

Class "A" Telephone Companies:

Tangible	\$ 4,697,882	\$ 5,325,799	\$ 6,231,705	\$ 7,135,232
Intangible	779,250	969,757	443,465	602,650
Total	\$ 5,477,132	\$ 6,295,556	\$ 6,675,170	\$ 7,737,882

Class "B" Telephone Companies:

Tangible	\$ 224,629	\$ 321,264	\$ 365,417	\$ 377,510
Intangible	5,000	41,913	45,176	89,279
Total	\$ 229,629	\$ 363,177	\$ 410,593	\$ 466,789

Total Public Utility Assessments:

Tangible	\$118,228,527	\$124,390,191	\$132,614,486	\$138,071,154
Intangible	18,143,324	17,858,940	11,743,211	3,757,259
Total	\$136,371,851	\$142,249,131	\$144,357,697	\$145,828,413

The foregoing "Recapitulation of Public Utility Assessments" shows the aggregate of the assessments of the public utilities of the State, both as to tangible and intangible assessments for each year of the present administration. The tangible assessment is based as nearly as possible at 60% of the reproduction cost of that part of the property which is fixed and cannot be sold, except as junk, in any other way than in its fixed condition for the purpose for which it is being used. This is always done where the usual net profits are sufficient to pay a reasonable return on such valuation. As to property which is movable, such for instance, as rolling stock upon steam railroads or street railroads, this is valued, as to tangible value, at 60% of new stuff of the same kind, less depreciation. Where a public utility is usually making a net profit of more than enough to pay a reasonable return upon the 100% value ascertained as before said, an intangible assessment is made by capitalizing the whole usual net profits at the then prevailing rate for money borrowed for use in such an enterprise, then taking 60% thereof and deducting therefrom the tangible assessment. The residue thus obtained is the intangible assessment, where the enterprise is of a permanent nature with a probable future at least equal to its past. Examples of such property are the L. & N. Railroad, Central of Georgia Railway, and many other pub-

lic utilities. But where the enterprise is small, without any special future, and the amount of net profits during any year depend almost entirely upon the ownership and management during such year, a larger per cent of net return is allowed. It is, therefore, clear that the intangible assessments will vary not only with the actual amount of usual net profits, but also with the condition of the money market during such period. For instance, prior to the world war, money could be borrowed by well established railroads and some other public utilities for an interest rate of five or six per cent, while since the world war the rate has usually been as much as eight per cent per annum. It, therefore, follows that a public utility before the world war was worth an amount which its usual annual net profits would capitalize at six per cent, while since the world war it would be worth an amount which the usual net profits would capitalize at eight per cent. In other words, the fair market value of the property, which is, of course, what we are trying to ascertain, would be ascertained substantially along those lines.

It will thus be seen that usual net income is largely the determining factor in ascertaining the full assessable value of a public utility. The law provides that the intangible assessment may be arrived at by adding together the value of the bonds and other indebtedness carried by a public utility to the value of the capital stock, taking 60% thereof, and subtracting therefrom the amount of the tangible assessment; but this method is impractical and fails in practically every instance to get the full benefit of the intangible value. This is for a very palpable reason which is that, as a rule, it is impossible to find the market value of the majority stock, which controls the enterprise. This is seldom put upon the market and is greater always than the value of minority stock which is put upon the market. As has been said before, 60% of the real fair market value of the property of public utilities is what is being sought, and since most public utilities are monopolies to a large extent and their earnings are governed largely by the rates of charge for services allowed, the value of their property stands upon a different basis from that of ordinary private property and should not vary as does private property. According to the general understanding, they are entitled to a reasonable return upon actual investment and no more. In times of stress, the rate making power should and does increase the rate so that such return may be made, and in prosperous times the rate making power should, and sometimes does, decrease the rate so that they may make only a reasonable return. If this rule is strictly followed by the rate making power, then there cannot be very great changes in tax assessments of the property of public utilities except as they are improved and extended, or as they are depreciated or dismantled in part or in whole.

We wish to say also that the properties of public utilities have been assessed for the past ten or eleven years at substantially 60% of their fair market value while other property has not on the average been anywhere near it until within the last three years. A great deal of it is still below that mark though the State Tax Commission has used its best efforts to equalize all assessments on a 60% valuation.

We have made the foregoing observation for the reason that there has been some criticism in letters from private persons published in some of the newspapers of the State upon the fact that the assessments of the property of public utilities has not been increased to the extent that the property of private persons and corporations had been increased. In each letter of this kind that has come under our observation, the facts and figures were cited which apply to the express companies only, where the intangible value, which at one time was the largest in proportion to the tangible value of any public utility in the State, has entirely vanished. For instance, take the assessments for the years 1916, 1917, and 1918, against the Southern Express Company. For the year 1916 the assessment was, tangible \$56,103.00, while the intangible based upon excess income was \$600,000.00. In 1917 the

tangible assessment was \$57,139.00, and the intangible \$600,000.00. In 1918 the tangible assessment was \$63,186.00, and the intangible was \$400,000.00. There was during that period only one other express company doing business in the State; this was the American Express Company. It did a very small business and owned very little property. Its assessment was for 1916, tangible \$2,095.00, intangible, none; for 1917, \$2,509, intangible, none.

During the years 1916 and 1917 the Southern Express Company made a net profit of about \$65,000.00 on about a \$100,000.00 investment, hence the large intangible assessments.

On July 1st, 1918, the railroads then being under Federal control, a new corporation was then formed, viz.: The American Railway Express Company, and the properties of the American Express Company and the Southern Express Company were transferred to the American Railway Express Company. The two former went out of business and have been out of business ever since. No assessment has been made or could have been made against either the Southern Express Company or the American Express Company since 1918, the year before the present administration began. For the year 1919 the American Railway Express Company made no report to the State Tax Commission and the State Tax Commission made a tentative assessment against it, tangible \$60,677.00, intangible \$400,000.00, the same being substantially the same as the combined assessments of the Southern and American of the year before. From this assessment the American Railway Express Company appealed to a Board of Arbitration and there showed by competent witnesses, who were acquainted with the facts, that the company had made no profits anywhere since it began business July 1st, 1918, but had suffered loss. There could not be any intangible assessment, but by agreement the tangible assessment, together with penalty for failure to report to the State Tax Commission, was placed at \$103,666.00. For the years 1920 and 1921, the reports of the American Railway Express Company have shown deficits as follows: for the year 1920, \$173,536.39; for the year 1921, \$284,452.28. For the year 1922 the report shows a net income after paying taxes of \$2,628.78. From the foregoing it is clear that there was no ground upon which an intangible tax could at any time be levied against the American Railway Express Company. The tangible property of said express company is now assessed at \$112,696.00 as against \$63,186.00 for the Southern Express Company in 1918, the last year it was assessed. Besides, since the railroads were returned to private control, the Southeastern Express Company has been formed and has operated in the State. Its assessment for the present year is, tangible \$42,444.00. So we see that the tangible assessment of the property of all express companies in the State in 1918 amounted to

Southern Express Company.....	\$ 63,186.00
American Express Company.....	2,509.00
Total.....	\$ 65,695.00

while the tangible assessment of all express companies in the State for the year 1922 amounted to

American Railway Express.....	\$112,696.00
Southeastern Express Company.....	42,444.00
Total.....	\$155,140.00

It will be seen from the foregoing that while all intangible values have been lost, due to the fact of the great reduction or total loss of net profits by the inroads of the parcel post, rate reductions and the effects of the

world war, still the assessment of the actual tangible property owned by express companies has been increased 136% during the present administration.

Again, the railroad mileage within the State subject to assessment by the State Tax Commission, has been on the whole, decreased. While the Alabama Great Southern Railroad has increased its second track mileage 30.46 miles, the Birmingham & Atlantic Railroad has discontinued and dismantled 22.90 miles of its main line, the Washington & Choctaw Railroad has discontinued and dismantled twenty miles of its main line, the Andalusia & Florida Railroad has discontinued and dismantled six miles of its main line, the 31.28 miles of main line formerly assessed to the Birmingham Southern Railroad by the State Tax Commission as a public utility, has been taken out of the class as a public utility, as it no longer operates for the public, and is now assessable by the tax assessor of the county where located.

FRANCHISE TAX

The Legislature of 1919 transferred the machinery, for assessment and collection of franchise taxes from the probate judges to the State Tax Commission, the Attorney General and the State Treasurer.

The following tabulations showing the amounts collected under the old and current laws set forth the results obtained:

Three-Year Period, 1917, 1918 and 1919

1917 State tax only.....	\$116,334.92	
1918 State tax only.....	128,168.92	
1919 State tax only.....	\$128,043.13	
Collections by Attorney General.....	73,101.72	201,144.85
Total.....		\$445,688.69

Three-Year Period, 1920, 1921 and 1922

1920 State tax only.....	\$223,008.14	
Collections by Attorney General.....	143,086.84	\$366,094.94
1921.....		232,075.71
1922 State tax only.....		534,931.21
Total.....		\$1,133,101.86

The machinery provided under acts prior to the 1919 Act was never adequate and the result was that many corporations entirely ignored their duty to the State in respect of this tax. However, under recent decisions of the Supreme Court the right of the State to collect past due franchise taxes is clearly determined, the statute of limitations not operating against the State. Further, according to these decisions, no judicial determination is required to fix the amount due by a domestic corporation as annual franchise taxes. The corporation must pay an amount based on its paid-up capital stock. In the case of a foreign corporation payment measured by "capital employed" is required. From 1916 judicial determination of capital employed was provided for. Prior to that year, even though the Constitution of the State required payment on "capital employed," no means of judicially determining the amount was ever provided by the Legislature and foreign corporations paid to the probate judges the amounts they considered due and there existed no power of review by any State authority.

The result is that four classes of delinquent corporations exist:

First. Domestic corporations that have failed altogether to pay franchise taxes, that is to say, for any year of their existence.

Second. Domestic corporations that have failed to pay franchise taxes for a portion of the years of their existence.

Third. Domestic corporations that have paid franchise taxes, but have paid an inadequate amount.

Fourth. Foreign corporations that between the years 1911 and 1915 inclusive, have paid an adequate amount, and foreign corporations which have failed to pay any tax at all.

The 1919 Revenue Act went far toward improving the machinery of assessment and collection of the tax. But this machinery is still inadequate with the result that enforcement of the law has not been and cannot be uniform until better machinery is provided. Those who have obeyed the law voluntarily, together with those whom the Commission has been able to reach through correspondence and through the personal calls of its field agents, bear the burden of this tax. The others proceed, or have in a great number of cases proceeded, in business in the possession of valuable corporate rights without bearing their required share of the burden of the tax. Manifestly the State suffers injustice and the law-abiding taxpayer is unfairly treated.

It is conceivable that in time the field agents of the Commission could round up all delinquent corporations, but the process would be expensive and in the case of many corporations the outlay would not be justified by the return, and during the rounding up period many would escape payment through dissipation of assets before these field agents could reach them. This latter, in itself, makes the collection of the tax lack uniformity, but the expense to the State of personal visits of field agents each year to hundreds of small delinquent corporations is apparent and this method should not be employed, provided cheaper and more uniform methods can be found.

The franchise tax is not a license or privilege tax for doing business. It is a tax on corporations for the right to exist as corporations in Alabama. We can see no reason why any part of the tax should be distributed to the counties of the State. Such a distribution does not seem to have been contemplated by the framers of the State Constitution and it is a gift to the various counties from the general fund of the State which the principle of a fair distribution of State collections does not seem to require.

The rate for the franchise tax in Alabama is less than in any other state of which we have knowledge, and, in our opinion, it should be increased to not less than one dollar on each thousand dollars of capital.

While the present franchise tax law is much better than the one it replaced, it needs strengthening in many particulars.

The present law does not provide any penalty for failure to make returns on which this tax is determined and this omission has made the collection of this tax in many instances more difficult than it would otherwise have been. In other states, where there is a law levying franchise tax, there is generally a provision for a drastic penalty for failure to make the proper returns. The State of Delaware probably has had more experience in the levy and collecting of a franchise tax than any other state. In that state for failure to make a return there is a specific penalty of \$200.00 to be collected from each taxpayer in an action of debt. In addition the law of that state provides that the officers and directors of corporations which fail to make the returns required by law shall be ineligible for re-election to their respective positions for a period of one year. We recommend that the omission of a penalty in our law be corrected.

It is sometimes difficult to get legal service on domestic corporations in this State. There are many corporations chartered under the laws of Alabama which do not maintain an office in the State. We suggest that

there should be added to our law a provision that service can be made upon the Secretary of State and that such service should be as effectual as if made upon the president or other officer of a corporation.

For the non-payment of the franchise tax within the time required by law our present law provides a penalty of five per cent per month. This penalty does not seem to be sufficient to insure the collection of the franchise tax in many cases, particularly where the tax is small. In other states where there is a franchise tax law, failure to pay the tax within the time required by law, after notice has been properly given, involves a possible forfeiture of charter and, in addition, in most of the states, there is a provision by which corporations can be enjoined from exercising all corporate rights until the franchise tax is paid. We think it would be well to embody both of these provisions in the law of this State in addition to the specific penalty now provided.

There is no provision in our law for assessments to be made upon information. There should be provisions for such assessments.

While section 21 of the present law confers upon the State Tax Commission authority for demanding information from corporations needed in the determination of the amount of the franchise tax, we think an amendment to this section should remove some doubts which at present appear to exist and should give to the State Tax Commission in explicit terms the right to require from corporations any information which may be disclosed by the books, including the right to demand balance sheets and lists of stockholders and to make an examination of the books of a corporation, whenever, in the judgment of this Board such examinations may be necessary.

The present law provides that returns for franchise tax shall be filed between November 1st and December 15th of the year preceding the year for which the tax is levied and collected. Our experience has shown that the period from January 1st to March 15th of the year of levy and collection is more practicable from every standpoint. This latter period follows the practice of the Federal government relating to income tax returns and its adoption would prevent the necessity of placing an additional burden on corporations in the matter of closing books and assembling date, since nearly all corporations close their books on December 31st of each year.

Many details involving changes in the present law suggest themselves from the experience of the Commission, but we recommend that these be handled by giving the Commission discretionary authority rather than that they be incorporated into the law itself. The reason for this suggestion lies in the fact that the levy of a franchise tax is a constitutional mandate to the Legislature and, since only the Legislature can provide machinery, it would seem wise to give the Commission all discretionary powers consonant with legality and the authority of the Legislature, rather than that rigid and binding machinery be provided. It is only necessary to call to mind the extensive litigation in the past over the franchise tax, due to the irreconcilability of legislative acts with the Constitution, in order to show the wisdom of proceeding where possible under rules of the Commission, which are less formal and more readily adaptable to conditions than are rigid legislative acts, which, if declared inconsistent with the Constitution, might endanger collection of the tax or, at least, delay it.

LICENSE TAXES

For the purposes of comparison and comment we submit below a statement showing the total collection of licenses for the last three years under the Revenue Act of 1915 and for the three years since the Revenue Act of 1919 has been in force.

Three-Year Period, 1917, 1918 and 1919

	1917	1918	1919
Paid directly into the State Treasury—oil dealers, carbonic acid gas, news companies, telegraph, express, sleeping car companies, etc.	550,834.56	\$52,167.19	\$65,041.04
General business	260,178.37	260,178.37	364,316.43
Dog registration		35,301.46	25,307.07
Total.....	\$311,012.93	\$347,647.02	\$454,664.54

Three-Year Period, 1920, 1921 and 1922

	1920	1921	1922
Coal tonnage	\$312,599.43	\$255,328.21	\$366,694.88
Iron ore tonnage.....	156,979.07	110,748.88	132,885.05
Paid directly into the State Treasury—oil dealers, carbonic acid gas, news companies, telegraph, express, sleeping car companies, etc.	102,004.96	119,005.19	116,416.32
General business	604,717.83	646,069.35	579,562.32
Dog registration	235,985.48	111,852.24	Repealed
Total.....	\$1,412,286.77	\$1,243,003.87	\$1,195,558.57

It will be noticed that a large part of the collections for the second period of three years was on account of licenses levied on coal and ore mining and for the registration of dogs. In addition to these two new licenses there was also levied licenses for the use of carbonic gas, turpentine distilleries, dog registration, and on many other lines of business which were not levied under the Act of 1915, and some schedules in the Act of 1915 were increased. If these new licenses are taken out of the above statement the totals of collections would be as follows:

1917	\$ 311,012.93
1918	312,345.56
1919	429,357.47
Total.....	\$ 1,052,715.96
1920	\$ 691,165.04
1921	748,458.67
1922	683,019.48
Total.....	\$ 2,122,643.19

The large increase of collections for the last three years, as compared with the three years next preceding on substantially similar statutory provisions, was due partly to the close supervision of the work of license inspectors by this Board and partly to the work of the agents of this Commission.

From a careful examination of the reports made to this office by the probate judges of this State, within a few months after the organization of this Board, we came to the conclusion that there was not as close a collection of licenses required by law as there should be. We, therefore, organized and trained a force for license work. This force, varying in number,

began work in June, 1920, and were continued in service until the close of 1921. The men constituting this force were sent into all the counties of the State, except Jefferson, for the purpose of collecting delinquent licenses which had escaped the notice of local inspectors, and in order that they might train local inspectors in the proper construction of the license laws and in the best method of discovering delinquencies. During the time of their employment State License Inspectors reported twelve thousand eight hundred and fifteen delinquencies. Collections were made in nine thousand six hundred and eighty-six cases reported, amounting to a total of \$102,279.17. In addition to the licenses thus collected this same force collected in delinquent franchise taxes an amount of \$37,574.00, or a total of \$139,853.17. The cost of this work, paid from the appropriation of this Commission, was \$19,794.88.

These agents of the Commission remained in each county only a short time. Within this time they collected all delinquent licenses which could be collected from citations issued to the persons delinquent. They could not remain in a county long enough to swear out warrants and try cases thus begun and, therefore, all licenses which could not be collected by citation which they had discovered to be delinquent were reported to the local inspectors and these local inspectors were instructed to swear out warrants and institute civil proceedings in all such cases. A large number of these licenses so reported to local inspectors were afterwards collected. In some cases it is found that the licenses so reported were not due or there was a lack of evidence to sustain the claim of the State and in a few cases proceedings are still pending for the collection of the amounts due.

The value of the work of the agents of the Commission is not fully shown by the amount actually collected, \$139,853.17, and the additional amount reported to local license inspectors for subsequent collection, as a total cost of \$19,794.88. We think one of the principal benefits of this work was in impressing the public that the State Tax Commission would use its utmost efforts to see that all delinquent licenses would be collected and that an attempt to evade payment would entail the payment of additional amounts as penalties and court costs, thus insuring a better voluntary payment in the future.

The present license law seems to be working fairly well, but we think probably equally as large collections could be made if local license inspectors were abolished and the collection of licenses placed in the hands of tax adjusters, except in a few counties.

We think the adjusters in nearly all counties have enough time to give attention to the collection of delinquent licenses in addition to their present work and the penalties for delinquencies could, if the change suggested were made, be paid into the State treasury, reducing the cost to the State on account of salaries paid to tax adjusters.

In the above statements amounts received from the sale of automobile tags are not included. We do not include these amounts with licenses because they do not constitute revenue available for governmental purposes, the whole amount collected being a fund for use in connection with the work of the State Highway Department.

The amounts received from the sale of automobile tags were as shown in the following statement:

1917	\$180,851.05
1918	259,428.90
1919	321,840.08
1920	832,979.99
1921	917,811.50
1922	962,619.87

The large increase received from this source we believe is in part due to the efforts of this Commission, but undoubtedly the principal reason for the increase is the result of the higher rates in the present law and of the larger number of automobiles owned.

The present law could probably be amended in some particulars to advantage. We do not, however, suggest any changes in the law at this time because we are of the opinion that the Highway Commission is more familiar with this subject than we are and we recommend that in the consideration of any new revenue measure the schedule of automobile licenses be submitted to the State Highway Commission.

INCOME TAX

The Revenue Act of 1919 contained for the first time in the history of the State an income tax law, with graduated rates of taxation. It became necessary immediately after its organization for this Commission to begin preparations for putting this law into effect. This work of preparation began with a careful study of the law and the adoption of regulations covering all doubtful points of construction, to the end that enforcement should be uniform. Numerous blank forms,—some involved and difficult,—required by the law were prepared and a force of men for field work were employed and carefully trained.

The enforcement of the law began on January 1st, as provided by the statute, and shortly after that date a force of field agents were sent to the different sections of the State to instruct and assist taxpayers in making proper and legal returns for the assessment of the tax. More than twenty thousand returns had been received, audited and properly filed and indexed when the law was declared unconstitutional by the Supreme Court.

While this tax under the law did not become due until October, 1920, a number of taxpayers with small incomes remitted the amount of the tax with returns and approximately \$19,000.00 was collected in this way. All payments have been refunded in cases where taxpayers have made application as required by law. There still remains in the State treasury several thousand dollars to the credit of this fund which has not been refunded, the present address of the taxpayers being unknown and it being impossible to get them to make proper applications, though attention has been called to the matter several times by publication in the newspapers of the State. We recommend that this balance be closed into the general fund of the State.

In the opinion of this Commission, it is unfortunate that an income tax with graduated rates of taxation has been decided unconstitutional in Alabama. In the early history of a government such as that in this State, when population is small and scattered, the principal function of government is the protection of its people in the peaceable enjoyment of their liberties and in safeguarding their rights of property. Government is simple and those enjoying the larger part of its benefits are the owners of property and those who derive a support from some business the conduct of which requires the ownership of a relatively small amount of property. The revenue required is small and the necessary amount can easily be raised by the two kinds of taxes which suggest themselves as fairest,—the property and privilege taxes. Later on, as population thickens, as business becomes more complex, and government activities are extended in more and more directions, there is an ever increasing demand for a greater revenue. Either this additional revenue must be raised or the government must become inefficient and fail to provide for the people the things they demand and to which they are entitled. The needed revenue can be raised from property and privilege taxes only by such rates of taxation on property as would be practically

confiscatory and by such privilege rates as would tend to prohibit many kinds of business, unless conducted by monopolies or through combinations with an assured profit through the medium of high prices to consumers. Property taxes in Alabama while less than in almost any other state, are relatively as high as they should be at present, and, in our opinion, some new sources of revenue should be sought.

It seems to be the almost unanimous opinion of tax students that an income tax with graduated rates best meets at this time the growing needs of government. Such a tax is now being collected in more than half of the states in the Union and the number of such states increases each year. We, therefore, recommend the submission of a constitutional amendment permitting the levy of an income tax with graduated rates. Such a tax would be paid principally,—not by owners of tangible property, but by business concerns whose profits exceed a reasonable return on property investment, by owners of investment securities not now reached by our tax laws, and by salaried and professional men who do not now contribute a fair proportion to the expense of the government.

Pending the adoption of a constitutional amendment as above recommended, we suggest for your consideration the wisdom of an income tax law conforming to the decision of our Supreme Court. Such a law could be enacted with a total uniform rate on all incomes of one dollar and seventy cents on each one hundred dollars of income. Of this rate one dollar and five cents would be apportioned to the counties of the State and sixty-five cents to the State.

If all incomes in excess of five hundred dollars received by single men and one thousand dollars received by married men were subject to tax, we estimate that a law such as is here suggested for your consideration would yield a net revenue of not less than six hundred thousand dollars annually, of which the State would receive approximately two hundred and twenty-five thousand dollars and the counties approximately three hundred and seventy-five thousand dollars.

The objection that the counties would receive too large a share of the total collected could be met by an amendment to the franchise tax law making the entire amount of tax collected from that tax available for State purposes instead of distributing one-third of the amount to the counties as at present.

In the rate of \$1.70 on each \$1,000.00 of income suggested above, no consideration has been given to the right of the counties of the State to levy special school district taxes. It is possible that under the authority of counties to levy these special school district taxes, the rate could be increased by thirty cents on each \$100.00 in those counties which had adopted a special tax for the county, and by still another thirty cents on the incomes of residents of special districts established as provided by law. We doubt, however, if any attempt should be made to increase the rate by reason of special school district taxes, because the entire additional tax received would belong to the county, could not be fairly equalized by the change in the franchise law suggested, and would add materially to the cost and difficulty of administering the law.

Statement showing receipts from the several counties of the State and also the amounts returned to the several counties by the State Treasurer.

FOR FISCAL YEAR ENDING SEPTEMBER 30TH, 1922

COUNTIES.		1. Receipts from Counties. General Property Tax, (.65) Business Licenses, Hunter Licenses, Mortgage Taxes, Solicitors' & Trial Fees and Poll Tax.	2. Paid Out to Counties. For Public Schools, Court Costs, Adjuster, Confeder- ate Soldiers, Feeding of Prisoners.	Paid out to Counties in Excess of Receipts as shown in column 1.	Received from Counties in Excess of Disbursements as shown in column 2.
1	Autauga	\$ 44,186.29	\$ 57,719.70	\$ 13,533.41	\$
2	Baldwin	80,460.35	70,068.40	.....	10,391.95
3	Barbour	62,983.88	98,614.22	35,603.34	.....
4	Bibb	43,671.30	69,108.29	25,436.99	.....
5	Blount	51,255.23	87,426.29	36,171.06	.....
6	Bullock	44,685.22	66,040.08	21,354.86	.....
7	Butler	61,641.03	87,425.65	25,784.62	.....
8	Calhoun	183,783.03	147,297.56	.....	36,485.47
9	Chambers	95,469.95	113,965.60	18,495.65	.....
10	Cherokee	39,374.66	62,625.66	23,251.00	.....
11	Chilton	54,690.62	83,591.48	28,900.86	.....
12	Choctaw	47,827.31	62,265.26	14,437.95	.....
13	Clarke	58,840.90	87,533.58	28,692.68	.....
14	Clay	37,522.57	82,922.16	45,399.59	.....
15	Cleburne	25,450.17	51,262.88	25,812.71	.....
16	Coffee	69,062.69	93,727.78	24,665.09	.....
17	Colbert	106,692.02	80,038.14	.....	26,653.88
18	Conecuh	45,533.59	86,686.18	41,152.59	.....
19	Coosa	27,040.09	51,178.75	24,138.66	.....
20	Covington	103,989.02	112,727.72	8,738.70	.....
21	Crenshaw	40,879.02	77,710.12	36,831.10	.....
22	Cullman	85,665.79	103,626.76	17,960.97	.....
23	Dale	60,672.81	78,363.90	17,964.09	.....
24	Dallas	165,706.93	129,822.14	.....	35,884.79
25	DeKalb	83,959.63	113,571.64	29,612.01	.....
26	Elmore	55,155.72	95,769.02	40,613.30	.....
27	Escambia	65,340.59	72,103.85	6,763.26	.....
28	Etowah	180,733.15	138,510.17	.....	42,222.98
29	Fayette	40,015.43	67,275.57	27,260.14	.....
30	Franklin	58,194.71	70,331.10	12,136.39	.....
31	Geneva	66,570.43	69,329.66	2,759.23	.....
32	Greene	40,822.76	38,189.62	.....	2,633.14
33	Hale	49,718.52	67,352.07	17,633.55	.....
34	Henry	37,511.46	68,828.47	31,317.01	.....
35	Houston	95,191.57	110,494.41	15,302.84	.....
36	Jackson	85,408.66	97,420.81	12,012.15	.....
37	Jefferson	1,692,468.22	846,779.75	.....	845,688.47
38	Lamar	37,628.49	69,562.58	31,934.09	.....
39	Lauderdale	112,470.20	121,068.15	8,597.95	.....
40	Lawrence	43,440.20	68,656.85	25,516.65	.....
41	Lee	86,200.09	100,080.64	13,880.37	.....

COUNTIES.	1. Receipts from Counties. General Property Tax, (.65) Business Licenses, Hunter Licenses, Mortgage Taxes, Solicitors' & Trial Fees and Poll Tax.	2. Paid Out to Counties. For Public Schools, Court Costs, Adjuster, Confed- erate Soldiers, Feeding of Prisoners.	Paid out to Counties in Excess of Receipts as shown in column 1.	Received from Counties in Excess of Disbursements as shown in column 2.
42 Limestone	98,042.06	81,797.07		16,244.99
43 Lowndes	43,997.76	60,462.91	16,465.15	
44 Macon	47,802.78	60,170.20	12,367.42	
45 Madison	189,313.31	131,728.39		57,584.92
46 Marengo	92,160.98	83,303.56		8,857.42
47 Marion	48,064.25	84,524.27	36,457.20	
48 Marshall	70,600.89	105,522.23	34,921.34	
49 Mobile	504,697.01	265,492.67		239,204.34
50 Monroe	55,420.23	80,640.11	25,219.88	
51 Montgomery	363,484.71	227,841.68		135,643.03
52 Morgan	146,233.08	121,700.86		24,532.22
53 Perry	48,972.66	65,446.19	16,473.53	
54 Pickens	54,792.31	78,255.92	23,463.61	
55 Pike	76,361.06	93,405.70	17,044.64	
56 Randolph	49,000.32	88,013.41	39,013.09	
57 Russell	53,270.72	64,240.49	10,969.77	
58 Shelby	73,619.94	89,227.18	10,607.24	
59 St. Clair	61,224.16	85,570.66	24,346.50	
60 Sumter	60,700.92	76,934.16	15,233.24	
61 Talladega	126,809.33	136,665.70	9,856.37	
62 Tallapoosa	63,807.67	94,584.48	30,776.81	
63 Tuscaloosa	190,432.57	143,518.68		46,913.89
64 Walker	164,690.71	135,116.87		29,573.84
65 Washington	38,917.07	45,266.68	6,349.61	
66 Wilcox	50,639.48	73,897.72	23,258.24	
67 Winston	31,093.33	47,698.34	16,605.01	

As will be noted from the above statement FIFTY-TWO counties of the State do not contribute directly to the support of the higher educational institutions of the State, or the insane hospitals, or the executive, judicial or legislative departments.

MODIFICATION—SECTION 214, CONSTITUTION OF ALABAMA

As the State develops there are certain difficulties growing out of the limitation imposed by section 214 of the Constitution of 1901 which become more serious and, in my opinion, the time has come when in the interest of the State generally, and particularly in the interest of the taxpayers, steps should be taken so to modify this section of our Constitution as to exempt from its pro-

visions debts and obligations of the State, evidenced by bonds or other securities, for the payment of which such bonds or other securities pledge the full faith and credit of the State.

Said section 214 is in language as follows:

"The Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of one per centum on the value of the taxable property within this State."

I am of the opinion that this section should be modified so as to read as follows:

"Except as to payment of debts or obligations of the State, now outstanding or hereafter created, evidenced by bonds, mortgages, or other securities pledging the full faith and credit of the State to the payment thereof, the Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one hundredths of one per centum on the value of the taxable property within this State."

Such modification would, in my opinion, relieve the difficulties growing out of the provisions of this section as it now stands, and such modification should be made for the following reasons:

First: The original purpose and intention of this provision was alone to prevent extravagance and useless expenditure of public funds by discouraging the contracting of unnecessary debts and obligations, but was never intended to prevent the State from paying its debts, or to make it more difficult for the State to meet promptly its necessary obligations.

Second: This section, not only discourages the contracting of unnecessary debts or obligations, but goes farther and places a limitation upon the right and power of the State to meet its obligations and to pay debts after the same have been contracted in good faith and of necessity.

It is wise and good to limit the power of the State to contract debts, but to limit the power or authority of the State to pay such debts as may have been contracted in good faith is a different matter altogether and cannot be justified on either moral or economic grounds.

Third: The provision of this section impairs the credit of the State and increases the burden of the taxpayer by forcing a higher rate of interest.

When the State offers a bond, or other security, for sale and the prospective purchaser discovers that our Constitution places a limitation upon the power of the State to levy a direct tax sufficient to meet promptly interest payments and to provide for final liquidation or retirement of the security, such prospective purchaser very naturally demands a higher rate of interest, and if the demand is refused he invests in securities of other states, or in another character of securities not subject to such limita-

tion, and the difference in interest payments is, of course, borne by the taxpayer.

Fourth: This limitation places the State in the attitude of impairing its own securities, which impairment, whether in the form of increased interest charge or depressed market price, must in the last analysis be made good by the taxpayers of the State.

It must be borne in mind that the criterion by which State or municipal bonds or securities must be judged is whether everything has been done to pledge the full faith and credit of the State or municipality to the payment of its obligations.

Fifth: This provision, insofar as it affects the obligations of the State evidenced by bonds or other securities which can be offered for sale only after the people by majority vote authorize their issuance, cannot possibly do any good while it impairs the credit of the State, affects adversely the sale price of the State's securities, increases interest rates and forces the State into an attitude of misrepresentation. All of this would, in my opinion, be obviated by modifying section 214 as above indicated.

BANKING DEPARTMENT

It is cause for congratulation that the banks of Alabama have passed through the post-war period of depression with so few failures. The record of the banks during the past four years has been remarkable and reflects credit upon the bankers as well as upon the department under which they have been operating.

During the four-year period there have been only three bank failures with an aggregate deposit liability of \$714,000. Of the three banks which failed two are now in process of liquidation and the depositors of the other one have been paid in full.

On November 4, 1918, the capital of all State banks amounted to \$10,800,000, and on June 30, 1922, to \$11,400,000. During that period there has been an increase in surplus and undivided profits of approximately \$2,500,000 and an increase of approximately \$12,000,000 in savings deposits, the latter fact unmistakably indicating that our people are learning the lesson of thrift.

The record of the banks for the past four-year period is indisputable proof that they are in the hands of capable officers and directors and on a solid basis.

BOARD OF CONTROL AND ECONOMY

The functions of this Board are so broad and comprehensive that I shall not undertake to review its operations in this limited space. I commend to the members of the Legislature, and to all citizens who are interested in the government of the State, the

very able and comprehensive report of the Chairman of the Board, Hon. C. B. Rogers, which has been published.

INSURANCE OF PUBLIC BUILDINGS

The Act approved September 30, 1919, authorized the Board of Control and Economy to carry insurance on property of the State. When an effort was made by the Board to compile a record of the insurance carried by the various departments and institutions of the State it was found that the policies had not been distributed as to expirations in such manner as properly to distribute the expense of insurance over the years. A questionnaire was sent to the heads of all institutions requesting information as to the types of buildings insured, character of roofs, etc., which would determine the rate. From this information it appeared necessary to have a detailed survey made of the buildings at the various institutions, which resulted in the reduction of premiums in several instances, due to the fact that changes had been made in types of roofs, etc., or other buildings had been removed which had been considered originally as a hazard, but the policies had been renewed from time to time on the basis of the original rates. The Board now has and maintains a register of all insurance policies carried on the State's property under the control of the Board. More equitable distribution of the insurance among the agents is made than formerly. It has been the policy heretofore to pay insurance premiums out of maintenance funds. I do not think that policy is wise. My opinion is that an insurance fund should be created by appropriation to be administered by the Board of Control and Economy and that premiums on policies of insurance on all State property should be paid out of that fund, and I so recommend.

Following is a statement of the value of all State property, with the amount of insurance carried:

VALUE OF STATE PROPERTIES AND INSURANCE CARRIED THEREON

Eleemosynary Institutions. (Lands, Buildings and Equipment.)	Value.	Insurance Carried.
Bryce Hospital, lands, buildings and equipment.....	\$ 1,482,569.06	\$ 750,000.00
*Alabama Home for Mental Inferiors, lands, buildings and equipment.....	199,589.52	
Scarcy Hospital, lands, buildings and equipment...	246,749.62	87,950.00
Alabama Boys Industrial School, lands, buildings and equipment	315,430.50	142,683.18
State Training School for Girls, lands, buildings and equipment	164,063.18	75,400.00
Alabama Reform School for Negroes, lands, buildings and equipment.....	84,754.02	39,650.00
Alabama School for the Deaf, lands, buildings and equipment	291,732.24	158,750.00

	Value.	Insurance Carried.
Alabama School for the Blind, lands, buildings and equipment	157,200.00	84,900.00
Alabama School for Negro Deaf and Blind, lands, buildings and equipment.....	32,039.00	24,000.00
Confederate Soldiers' Home, lands, buildings and equipment	49,574.25	17,900.00
	\$ 3,023,701.39	\$ 1,381,233.18

Convict Department.

(Lands, Buildings and Equipment.)

Kilby Prison, lands, buildings and equipment.....	\$ 1,215,354.34	\$ 66,701.00
Number Four Prison, lands, buildings and equipment	131,425.63	41,350.00
Speigner Prison, lands, buildings and equipment.....	763,765.98	322,600.00
Wetumpka Prison, lands, buildings and equipment	94,800.45	49,310.00
Number Five Prison, lands, buildings and equipment	75,000.00	
Head Place, lands, buildings and equipment	12,500.00	
Aldrich Prison, lands, buildings and equipment.....	7,115.47	11,000.00
Banner Prison, lands, buildings and equipment.....	11,777.90	14,000.00
Belle Ellen Prison, lands, buildings and equipment	7,799.71	10,000.00
Flat Top Prison, lands, buildings and equipment.....	12,290.29	14,000.00
River Falls Prison, lands, buildings and equipment	4,182.20	5,000.00
Blanket policy carried on feedstuff at Prison No. 4, Speigner, Wetumpka and No. 5.....		35,000.00
	\$ 2,336,011.97	\$ 568,961.00

Note: Apparent excessive insurance on Aldrich, Banner, Belle Ellen, Flat Top and River Falls is due to the fact that inventory of supplies and equipment for these prisons was taken on the last day of the month, when their supplies are at the lowest, and the average value of supplies at these prisons is more than the amount of insurance carried.

*Alabama Home for Mental Inferiors—Fireproof, no insurance carried.

Administrative Property.

(Lands, Buildings and Equipment.)

Capitol building and grounds.....	\$ 1,125,000.00	\$ 527,500.00
Furniture and fixtures of Capitol building.....	170,000.00	57,500.00
Governor's mansion	55,000.00	25,000.00
Board of Health.....	30,000.00	23,000.00
Board of Health furniture and fixtures.....	7,540.00	7,000.00
Highway Department	24,000.00	
Highway Department (office equipment).....	20,847.40	} 46,500.00
Highway Department (plans and specifications)	30,000.00	
Highway Department (auto trucks).....	400,000.00	
Highway Department (auto parts).....	500,000.00	
Highway Department (roadway equipment).....	250,000.00	25,000.00
White House	27,500.00	18,000.00
White House furniture and fixtures.....	3,055.60	2,000.00
Supreme Court Library.....	70,000.00	70,000.00
Total.....	\$ 2,712,943.00	\$ 1,026,500.00

Educational Institutions.		Value.
University of Alabama.....	\$	1,429,947.83
Alabama Polytechnic Institute.....		789,375.00
Alabama Girls Technical Institute.....		760,360.00
Alabama Agricultural Schools.....		412,350.00
Alabama County High Schools.....		1,515,225.00
Alabama Normal Schools.....		1,680,730.00
Alabama Public Schools.....		19,822,929.00
16th Sectional School Lands.....		1,111,680.00
Total.....		\$27,522,596.83

NOTE: Insurance on above property is placed by the Trustees of the various schools, and this Board has no record of the amount of insurance carried.

ASSETS ADDED

Expenditures for permanent improvements, and new construction for 1919-1922 inclusive:

Teachers Training Buildings at Normal Schools:

Jacksonville Normal School.....	\$	30,000.00	
Florence Normal School.....		30,000.00	
Livingston Normal School.....		30,000.00	90,000.00

Girls Training School, Birmingham:

Cost of lands, including clearing and grubbing.....	10,471.63	
Four dormitories.....	78,866.89	
Hospital building and school house.....	35,051.30	
Dairy barn.....	1,748.25	
Laundry building.....	1,500.00	
Equipment and materials.....	10,501.13	
Outside electrical work.....	393.75	
Engineering, labor and other expense.....	2,380.23	140,913.18

Boys' Industrial School, East Lake:

Dormitory, construction cost.....	42,545.03	
Gymnasium.....	19,539.37	
Heating system.....	5,214.58	
Swimming pool.....	3,647.67	
Equipment for woodworking shop, machine shop, laundry, shoe shop, printing shop, tailor shop, farm and dormitories.....	24,790.08	
Dairy barn.....	6,500.00	102,236.73

Alabama Home for Feeble Minded, Tuscaloosa:

New construction, dormitory, kitchen and dining hall, power house, ect.....	199,589.52
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Bryce Hospital, Tuscaloosa:

New power house.....	50,905.24
Female tubercular ward (capacity 50 beds).....	12,500.00
Dairy cottage.....	2,000.00
Garage and filling station (6 cars).....	2,500.00
Corn cribs (five).....	1,000.00
Cow barn.....	3,000.00

Expenditures on new kitchen.....	1,148.04	
Foundation for 36-room building.....	2,500.00	
Cost of repairs to 25 wards and 3 dining halls, ceiling, plumbing, etc.....	55,670.80	
Repair work on other bulidings.....	3,350.00	134,574.08
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Speigner Prison:		
New prison and laundry building.....		19,054.04
Number Four Prison, Near Montgomery:		
New buildings		26,056.12
Wetumpka Prison:		
Remodeling of penitentiary.....		26,218.27
Kilby Prison, Montgomery:		
Cost of land, buildings, dairy, walls and equip- ment	\$ 1,053,235.02	
Cotton mills, shirt factory, dye house, warehouse	198,634.31	1,251,869.33
<hr/>		
Alabama Reform School, Mt. Meigs:		
Dormitory and school house.....		8,513.84
State Capitol:		
Painting and repairs.....		12,440.00
Cost of building for State Board of Health, Montgomery		30,000.00
University of Alabama.....		115,000.00
Alabama Polytechnic Institute (Auburn).....		125,000.00
Alabama Technical Institute and College for Women (Montevallo)		75,000.00
		<hr/>
		\$ 2,356,465.11
Rural School Houses Built and Repaired		
With State Aid:		
New buildings	587	
Old buildings repaired.....	478	
Buildings equipped	722	
Total cost.....		\$ 4,509,925.00

DEPARTMENT OF EXAMINERS OF ACCOUNTS

The following report of the Chief Examiner of Accounts shows the wisdom of the Legislature in placing this department under a responsible head and increasing the force of examiners to a number sufficient to perform the service in an efficient and effective manner.

Many valuable suggestions are made, to which I invite your careful consideration:

"Montgomery, Ala., Oct. 26, 1922.

Hon. Thos. E. Kilby,
Governor.

Sir:

I respectfully submit this report of the work of the Examiners of Public Accounts from Oct. 1, 1918 to Sept. 30, 1919, and of the operations and activities of the Department of Examiners of Accounts from its establishment Oct. 1, 1919 to Sept. 30, 1922.

Prior to the passage and approval of the Act of Sept. 29, 1919 creating the Department of Examiners of Accounts the duties placed on this department were performed by the Examiners of Public Accounts under the direct supervision of the Governor, the Chief Examiner being without power to control or direct the work of the examiners and being clothed with no authority not possessed by the associate examiners except with relation to the docketing and disposition of cases of delinquency in handling the public funds disclosed by the work of the Chief Examiner and his associates. Realizing the numerous advantages to be gained by placing the department under a responsible directing head, not the least of which was relieving the Governor of the multitudinous petty details of the administration and direction of the work, the Legislature at your suggestion established this as a separate department of the State government, placing the Chief Examiner of Accounts in charge of the department, its records and business, and making it his duty under the direction of the Governor to assign the assistant examiners to duty from time to time and generally supervise and control their investigations and examinations. Subsequently, by the Act approved Sept. 30, 1920, provision was made for increasing the force of assistant examiners of accounts. The increased efficiency and effectiveness with which this department, under your direction, has operated to protect and safeguard the interests of the State and the various counties in connection with the collection, safekeeping and disbursement of the public funds has demonstrated the wisdom of your recommendation that the work be placed under the direction of a department head who could give more time and thought to the details necessarily connected with the work of the department than the Chief Executive with his manifold duties and responsibilities could possibly devote thereto.

The enlarged force of assistant examiners of accounts selected by you under the provisions of the Act of 1920 has enabled the examinations and investigations of the books and accounts of the State and county officers, departments and institutions to be made at shorter intervals and with more of the care and attention to detail so essential to correct accounting and the effectual safeguarding of the interests of the State and county in connection with the collection, conservation and disbursement of the public funds.

COLLECTIONS FOR STATE AND COUNTIES

During the period covered by this report we have made a total of 111 examinations and investigations of the books and accounts of State officers, departments, institutions and activities, and 1,337 examinations and investigations of the books and accounts of county officers and institutions (county high schools being classed as county institutions), a total of 1,448 examinations and investigations. As a result of such examinations we have collected for the State treasury the sum of \$344,000.57, for the various counties the sum of \$532,699.71 and for sundry cities, towns and individuals the sum of \$6,803.49, a grand total of \$883,503.77 collected as a direct result of the activities of this department. Exhibit "A" hereinafter shows by counties the amounts found due the State, the collections thereon and the status of the balances uncollected. Exhibit "B" shows the same facts with regard to the amounts found due the various counties, while Exhibit "C" gives a recapitulation of the totals shown on Exhibits "A" and "B."

Of the total of \$883,503.77 collected by this department the sum of \$29,512.55 was collected for the State and a total of \$16,321.26 for sundry counties as a result of demands by mail and otherwise made by the Chief Examiner of Accounts following special investigations conducted by the Chief Examiner personally.

In Exhibit "D" to this report you will find a statement of the irregularities and discrepancies found in the disbursement of county funds by the

Commissioners Courts and Boards of Revenue resulting from the carelessness and indifference with which such courts and boards, in some instances, have discharged their duties with relation to the disbursement of the public funds. The examinations which disclosed these irregularities have without exception resulted in the exercise of greater care and attention of the requirements of law governing such disbursements.

AUDITING CLAIMS AGAINST THE STATE BEFORE PAYMENT

Your Excellency has wisely charged this department with the duty of auditing in advance of your approval for payment all claims against the State arising from the activities of the highway and military departments, all salary and expense vouchers and various and sundry other classes of claims. With the exception of a comparatively small class of these claims which were assigned to one of the assistant examiners, the Chief Examiner of Accounts in addition to his other duties has discharged the new duties so imposed on this department. While, with one exception, no favorable results in dollars and cents saved can be definitely stated this progressive innovation has furnished more thorough and effective protection against improper and illegal as well as wasteful expenditure of the State funds. The exception referred to is the specific saving of the sum of \$8,468.19 or 30% of one group of military strike duty bills amounting to \$27,451.62. While the saving to the State in this instance was exceptional, approximately the same percentage was saved by deductions and discounts secured on thousands of dollars of other claims of a similar nature. The definite and specific saving to the State from the deductions and discounts secured in the cases referred to above, together with the less tangible but none the less certain favorable results from this innovation of administration so clearly perceptible to one in close contact with the disbursement of the State funds, has demonstrated the fact that the change thus instituted was wisely conceived, progressive in its nature and protective in the results attained.

In this connection permit me to say there has been a noticeable reduction in the amount paid out on traveling expense claims as a consequence of your order prohibiting the indiscriminate, excessive and unnecessarily expensive use of Pullman accommodations and taxicabs by minor officers and employees of the State. In many instances such items, since eliminated, constituted ten per cent of the total amount of the claims.

Considering only the definite and tangible results in the way of shortages discovered and collections thereon it has proven its operations to have been eminently profitable to the State and counties, but no well informed person will deny that the most valuable effect of the work of this department is the discouragement and prevention of the misuse and misappropriation of the public revenues, and the equally important incentive to the many honest officials to discharge their duties with thoroughness and efficiency, furnished by careful, accurate, thorough and frequent examinations of their accounts.

RECOMMENDATIONS FOR LEGISLATION

I submit below a number of suggestions as to legislation which experience has shown to be necessary or advisable to enable this department more effectually to protect and safeguard the interests of the State and the various counties in the collection and disbursement of the public funds.

Official Bonds.

Instances have been disclosed where personal bonds of county officers were accepted with insufficient sureties and others where such bonds have become of no value by reason of financial reverses sustained by the sureties

thereon. To minimize the possibility of losses to the State and county on account of insufficient bonds I recommend the passage of an act requiring all official bonds to be made by duly authorized surety companies.

Official Bonds of Judges of Probate.

Under Sec. 5413 of the Code of 1907 the official bonds of the Judges of Probate are fixed and approved by the Circuit or Supreme Court Judges. The officers required to approve these bonds are without official knowledge, and frequently have little personal knowledge, of the facts a knowledge of which is necessary to enable the officer fixing such bonds to intelligently determine the amount necessary to effectually protect the State and county in each instance. That these bonds may be fixed and determined with a proper knowledge of the probable amount of money to be collected by each officer I recommend that this section be so amended as to require such bonds to be fixed and approved by the State Auditor.

Coal and Iron Ore Tonnage Taxes.

The next revenue law should contain a provision charging the State Auditor with the specific duty of keeping an account, in a book kept for that purpose, with each person, company or corporation engaged in the business of mining coal or iron ore so as to show the tonnage tax paid by each such taxpayer, such account to be kept in a form to show the months for which such license taxes have or have not been paid. Provision should also be made for the imposition of a penalty for delinquency in the payment of this tax sufficiently severe to create respect for the law.

Tax Collector's Cash Book.

I recommend the incorporation in the next revenue law of a provision requiring the tax collector to keep a cash book in a form to be prescribed by the Chief Examiner of Accounts or the State Tax Commission, and requiring the same to be posted and totalled daily and the totals thereon carried forward from day to day. Such a book, properly kept, is absolutely essential to a proper accounting of the tax collector's collections.

Reports from Tax Collectors.

To enable the Department of Education to keep informed as to the promptness with which county tax collectors make settlement with county treasurers of public school funds I recommend that provision be made in the next revenue law for such collectors to furnish the Department of Education with duplicates of the reports now required by law to be made to the State Auditor.

Clerks of the Circuit and Other Courts.

The law should be so changed as to require Clerks of the Circuit Court and all other county officers collecting fees and costs for the State to make monthly settlements with the State Treasurer. At the same time all such officers should be made subject to the same penalty for failure to remit within five days from the first of the month as is now imposed on the Judge of Probate for such delinquency.

Form of Privilege License Blanks.

I believe it would be to the advantage of the State and counties for the Auditor to be required to have the privilege license blanks prepared with a safety stub similar to the form used by the United States Government. I therefore suggest the incorporation of a provision therefor in the next revenue law.

Statements of Receipts and Disbursements by Counties.

I recommend the passage of an Act requiring the Chairman of the Courts of County Commissioners or Boards of Revenue to furnish the De-

partment of Examiners of Accounts with copies of the printed statements of receipts and disbursements now required by law to be published by such courts or boards.

Reports from County Treasurers or Depositories.

The Legislature should enact a law requiring the county treasurer or depository and the county treasurer of public school funds of each county to furnish the Department of Examiners of Accounts with monthly reports of all payments into their respective treasuries by county officers. Such reports would enable the Chief Examiner of Accounts to keep constantly informed as to whether or not the various county officers were making prompt settlement of their collections.

County Depositories.

Under the County Depository Act of 1915 the county depositories cannot be compelled to keep proper accounts and it is a practical impossibility for the Judge of Probate, who is charged with the duty of keeping such accounts, to properly keep the same so long as various and sundry other officers are authorized to draw warrants or orders on the county treasury. The law is weak also in that there is no centralized responsibility for the legality of disbursements, especially where the chairman of the Court of County Commissioners or Board of Revenue is not under bond. I earnestly recommend the enactment of such legislation as will require the depositories to keep proper accounts and as may be necessary to safeguard and protect the interests of the county relative to the legality of the disbursements made through such depositories or through the acting-treasurers where there are such officers instead of depositories.

CONCLUSION

In conclusion I wish to express my appreciation of the faithful service rendered by the capable and efficient force of assistants selected by Your Excellency for this department. They have at all times given me their active and sincere co-operation and have discharged their responsible duties with fairness and impartiality and with a stern sense of fidelity to duty.

I wish also to thank Your Excellency for the courtesy and consideration shown this department and for the able advice and wise counsel with which you have directed its operations and sustained and supported the head of the department and his assistants in their efforts to faithfully and fearlessly discharge the important duties imposed upon them.

Respectfully,
(Signed) CHAS. E. McCALL,
Chief Examiner of Accounts."

CONVICT DEPARTMENT

Since my incumbency in office I have made it a rule to make personal visits to the penal and eleemosynary institutions of the State. These visitations have been at frequent but irregular intervals and always without warning. In this way I have kept in close personal touch with all prison camps and conditions.

While on my first trip of inspection I realized the necessity for a thorough reorganization and overhauling of the convict system. The abolition of the turpentine camps was ordered at the first opportunity and prompt measures were taken for the improvement of conditions at other camps and prisons. This

work was begun under the supervision of Hon. C. B. Rogers, State Warden General, and continued under the supervision of State Warden General Wm. F. Feagin until, I am gratified to say, the entire convict department of the State has been brought to as high degree of efficiency as may reasonably be expected under the surrounding circumstances.

The conditions existing at the outset were undoubtedly very bad. Cruel treatment of convicts was not uncommon. The use of the leather strap was entirely too frequent and oftentimes attended with much cruelty. Food was insufficient in quantity, quality and preparation, and beds and bedding were filthy to a disgusting degree. All these things have been corrected. Humane treatment by wardens and guards is required and obtained. The use of the whipping strap has been forbidden. Iron army cots have replaced the vermin covered wooden swinging beds and the mattresses, pillows and sheets are clean and sanitary. New prisons have been built at Speigner and Number Four and the relic of barbarism at Wetumpka has been altered, thoroughly renovated and set apart for a prison and workshop for female prisoners. All State owned prisons are entirely new but one and that, as above stated, has been made suitable for its purpose.

On an early inspection visit I realized the necessity for and formed a determination to build a first class modern prison. When the time for beginning the project seemed propitious I sent the Warden General, Wm. F. Feagin, and my private secretary, Wm. A. Darden, with an architect and engineer, Martin J. Lide of Birmingham, to the Middle West for the purpose of examining the best examples of modern penitentiaries and forming plans for a new prison in Alabama. The work of building was begun in June, 1921, and completed in October, 1922. The prison was built to accommodate nine hundred inmates. In connection with this prison we have built a 10,000 spindle cotton mill and a dye works and a shirt factory. The buildings for these enterprises have been completed and machinery is now being installed. These buildings and machinery are of the latest design and thoroughly adapted to afford profitable employment to all of the inmates of the prison who are able to work.

In connection with the prison, mainly for the purpose of supplying milk and butter for the convicts, we have built a modern dairy, stocked with a fine herd of Guernsey cows.

Many other improvements have been made as will be shown in the report of the Warden General covering operations of the department for the quadrennium ending September 30, 1922. I commend this report to your very careful consideration as a paper showing a remarkable reform in the handling of the State's convicts, and I ask you to give particular attention to the remarks concerning the Indeterminate Sentence Law passed by the Legis-

lature of 1919, and the matter of dividing the earnings of convicts with dependent families.

I heartily recommend that authority be given for the employment of additional parole officers. I also recommend that provision be made for payment of a portion of the earnings of convicts to their dependents, especially to those who may be shown to be in destitute circumstances.

It is not always the case that the violator of the law is the chief sufferer. It is more often that distressed wives and helpless children bear the greater burden. Surely the taxpayers of Alabama will be willing to give up the necessary amount of the convict earnings for the relief of such cases. The report follows:

Montgomery, Alabama, December 20, 1922.

"In accordance with your request of the 12th ult., I hand you herewith for the State Board of Control and Economy a comprehensive report of the operations of the Convict Department for the quadrennium ending September 30th, 1922, as brief as it can be made with due regard to the provisions of section 6501 of the Code.

During this period this department was combined with the State Board of Control and Economy and the Board of Convict Inspectors abolished with a consequent change in the methods of accounting employed.

An all-time physician inspector, an all-time chaplain and welfare worker, a technically trained farm and dairy supervisor and a licensed dentist have been employed and report their activities to the department at regular intervals.

Changes have been made in the office and prison records pertaining to convicts, important among which is the installation of card index systems showing all the information in connection with each prisoner and references to the other records necessary to be kept. This system has eliminated various record books, reduced the detail work of the office to a minimum, made available all information without research and has replaced all the indexes of the office.

A record has been developed whereby the number of prisoners in the penitentiary and at each prison can be ascertained on any date since its installation. Monthly reports in detail of the money and valuables belonging to prisoners in the hands of the wardens, monthly inventories by items of equipment at each prison, and monthly statements of the operations of the prison stores are regularly received from the wardens. Daily reports showing the number of men on hand at each prison, the number employed, the number excused by reason of illness and the number of flunkies and their duties, as well as the quantity of milk, butter and eggs produced and consumed and the amount of food required to produce them.

A system of serial numbers has been adopted and the number assigned to each prisoner upon his receipt into the penitentiary is used in all correspondence and transactions pertaining to him to definitely identify him during the whole of his prison term.

The method of computing short-time allowance for good conduct where a prisoner has more than one sentence has been changed from allowance on the aggregate sentence to allowance on each sentence separately.

In your inaugural address you recommended certain reforms in sentencing prisoners convicted for crime, the result of which was the enactment by the State Legislature of the indeterminate sentence law which discontinued the traditional system of hard and fast penalties for crimes and provided

that the penalty be adjusted not only to the offense but to the individual offender and prevented variation in temperament and attitude of judges from resulting in inequality of sentences that naturally created a feeling of injustice in the minds not only of the prisoners themselves but of the more intelligent public. This law is based on the theory that the detention of the prisoner cannot be adequately determined by the court at the time of the sentence and the detention in the prison of the prisoner should be sufficiently long to measure the probability and progress of his reformation and rehabilitation, and at the same time allow for a period of conditional release before the expiration of his maximum period of confinement. To meet the requirements of this law there was appointed an identification and parole officer of the department whose duty, in addition to finger-printing and photographing prisoners received into the penitentiary, is to keep in touch with and require reports from paroled prisoners in the post-prison period and trace the after careers of the prisoners until the expiration of the maximum time of their sentences. I believe that prosecuting attorneys and judges should be required to furnish such information as they possess relative to the offense as well as of the man himself, also their impressions of his character. I would urge the adoption of the policy of personal investigation of the offense and the circumstances under which it was committed. This information would be invaluable to the parole officer in the performance of his duties. In the scheme of rehabilitation I believe that, in addition to the parole officer already employed, two others could profitably be used whose duties would be in the nature of field work under the direction of the State Warden General, consisting principally of securing employment under moral conditions for prisoners to be paroled and make contracts for same, visit them and their employers monthly, secure reports from them and their employers, and upon revocation of their paroles by the Governor for violation of the terms thereof, or arrest and return them to the penitentiary and make monthly reports of their activities from day to day.

In this connection I do not think it is amiss for me to express the hope that the rights of dependents to a portion of the earnings of their convicted husbands and fathers will be recognized and a way provided for an equitable division of such earnings with dependents to be made by the Convict Department. Under the present system a convict is required to give up his all and while he is at work earning for the State, his dependents are too frequently driven from place to place for lack of proper protection and are denied the bare necessities of life. Children raised under such conditions are prone to fall into error and often become criminals from force of circumstances and thereby demonstrate the weakness of the present system. I believe that a convict's earnings should be shared equitably with his innocent dependents, that it will be conducive to right thinking and right living on the part of the convict and his helpless wife who so heroically struggles to carry the load but so often fails. This condition could be taken care of to a great extent by an allowance made to each prisoner based on the time served and his conduct while in the penitentiary, a part or all of which allowance should be remitted to the dependents at regular intervals. Besides contributing to the upkeep of his dependents, it would furnish an incentive to good conduct.

The old swinging double wooden bunks equipped with thin excelsior and straw mattresses, infested with vermin, have been replaced with sanitary single iron cots furnished with adequate cotton mattresses with duck covers, two sheets each, pillows and pillow cases all of which equipment is manufactured by the Convict Department with convict labor and is changed twice each week.

Uniform individual lockers attached to the walls in each prison are in process of manufacture, replacing boxes of various shapes and dimensions,

bags and bundles kept on the floors under the beds furnishing harbors for trash and filth.

All of the clothing used by prisoners, except winter underwear and hosiery, is made in its own tailor shop with convict labor from cloth manufactured by convict labor in the State's cotton mill.

Rules have been promulgated requiring all prisoners to wear regulation clothing, as contemplated by section 6537 of the Code. Rubber mine shoes have replaced the stiff, steel-bottom brogans formerly used, thus reducing to the minimum fatalities from electric shock and greatly contributing to the comfort of the prisoners in the mines.

A system of numbering has been developed that not only returns to each man his own clothing but his bed clothing as well.

Sanitary laundries with new kettles and furnaces have been installed at each of the prisons and men are stationed in each to mend all clothing and replace missing buttons.

The cells have been equipped with a sufficient number of tables and benches for the use of the prisoners while reading, writing, studying and playing games which relieves the cots and beds from use as lounging places while the men are in their cells.

Comfortable and convenient bath-houses in which hot and cold showers may be had have replaced the cold tub baths formerly in use and the prisoners are required to make use of these baths regularly. Facilities for bathing the face and hands have been improved and sufficient towels manufactured by the State are furnished for the use of the convicts.

Adequate fire escapes have been provided at most of the prisons.

Special deputy wardens are now required to go into the mines each working day and remain until the convicts have finished their tasks, in order that the physical welfare and safety of the prisoners may be had in the mines as well as in the cells.

Sleeping quarters have been screened against flies and mosquitoes and cell boys are required to promptly dispose of any flies or other pests entering through the doors when in use.

Barber shops have been fully equipped in each prison and all of the prisoners are required to be shaved semi-weekly and hair cut semi-monthly. Dairymen, cooks and others in similar work are required to shave daily.

The all time licensed dentist cares for the teeth of the convicts and keeps a detailed record of all dental work done and all found needed. Tooth brushes have been furnished the convicts and the dentist sees that they are used regularly.

Sanitary drinking fountains have been installed and are required to be in order at all times, looking to reducing infection from the use of a common drinking vessel.

During this period one of the most important improvements made is in the quality and preparation of the food served the prisoners. Modern steel ranges of adequate capacity have been installed at each prison, replacing the syrup-kettle method heretofore used, and the kitchens are equipped with sufficient modern cooking vessels.

Substantial baking ovens have been installed at each prison and milk break of high quality is served daily in sufficient quantity. This was made possible by the inauguration of a school for training bakers from among the prisoners taught by a competent baker employed for that purpose until a competent teacher from among the prisoners could be trained.

Daily bills of fare properly balanced have been worked out by competent authorities for each day in the month and each meal is prepared and served under the constant supervision of one or more of the prison officials and assistants. Meals properly prepared served hot have replaced the poorly prepared meals served cold prior to this period. There has been only a slight additional cost attached to this improvement.

The dining rooms and kitchens have been completely overhauled, the windows screened against flies, the plumbing and heating improved and the tables rebuilt along sanitary lines so that they are kept clean at all times. Foul odors are no longer noticeable in these places. In some of the prison dining rooms in the mining district where prisoners are necessarily more or less irregular in attending some of their meals, steam tables installed at slight cost have proven very satisfactory in keeping food warm and palatable. An ample supply of plates, cups, saucers, pans, buckets, knives, forks and spoons have been provided in each prison dining room.

Prior to this period, little if any of the milk produced at the prisons reached the prisoners but was consumed in the guards' dining rooms and kitchens, by the wardens and their families and others, but during this period the cow barns at all of the prisons have been improved, better and more cows with adequate pasturage have been provided with a consequent increase in the flow and quality of milk, all of which, with the butter produced, is used in the prison kitchens, bakeries, dining rooms and hospitals. The eggs and young chickens produced are also used in cooking and in the hospitals. The herds at the prisons are headed by pure bred sires.

The discontinuation of the guards' dining rooms and kitchens at the several prisons has effected a saving estimated to closely approximate the additional cost of the food served the prisoners.

The prison hospitals have been improved, equipped with larger and better appointed operating rooms and are inspected daily by both the prison physician and the warden and at frequent intervals inspected by the physician inspector. Necessary major and minor operations are now performed in the prison hospitals. All new arrivals are vaccinated against smallpox. Both clinical and admission charts are prepared for each patient admitted to the hospitals whereby the physician is enabled to study and treat each patient intelligently.

The general sanitation of the prisons has been placed in charge of the local physician under the supervision of the physician inspector and the local physician reports to the department twice each month on the sanitary condition of his prison. No vermin is permitted in the sleeping quarters of the prisons.

The grounds surrounding the prisons have been improved by the planting of flowers. In some of the grounds landscape work has been attempted with pleasing results.

Gambling has been almost entirely eliminated among the prisoners and religious services are had every Sunday at the prisons. Nearly two thousand (2,000) copies of the Bible and a hundred thousand (100,000) high class magazines and periodicals have been provided for the prisoners without cost to the State.

Uniform visiting days have been adopted when friends and relatives are permitted to visit with the prisoners under the supervision of the wardens.

The remains of prisoners who die receive better preparation for burial and shipment to relatives.

Moving picture machines have been purchased and placed in seven of the nine prisons and entertainment furnished free to all prisoners of classes A and B. Several hundred dollars raised through paid motion pictures to prisoners and others have been expended for sporting goods, musical instruments and harmless games for the entertainment and betterment of the prisoners.

Twilight schools have been established at the prisons where the inmates are encouraged to attend and study.

Dairy records of the cows are kept to enable the department to determine which cows are not profitable and special attention is given to the development of promising heifers from worthy dams.

Pure bred sires head each herd of hogs at the prisons. These sires are raised by the department at Kilby Prison where a modern hog farm has been established and operated profitably.

In the general farming done by the department legumes have been extensively planted both for forage and for the improvement of the soils as well as to reduce the expenditures for commercial fertilizers.

Plans have been developed to raise all the syrup consumed at the prisons as well as produce a supply of peas and potatoes at each prison. Modern potato houses have been built to properly cure and preserve sufficient quantities of potatoes.

During this period larger crops of corn and forage have been produced on farms numbers four and five than has been the case heretofore. A corn mill has been installed at Farm No. 4 from which most of the meal consumed by the department is shipped.

The State has probably engaged in more building activity during this quadrennial period than in any other in the history of the Convict Department. Just prior to the beginning of it the antiquated building at Farm No. 4 was destroyed by fire. It has been replaced by the erection of a commodious prison building of wood on a substantial brick foundation with complete light, water and sewer systems. An additional well has been bored with sufficient flow to meet all demands.

When this farm was further developed by clearing and drainage, it became necessary to increase the storage space for farm products and sheds for the protection of farming implements. Barns and sheds were built with used lumber and convict labor, the lumber having been purchased from the United States government at advantageous prices. More recently other storage space has been provided from lumber manufactured by the State.

The original prison building at Wetumpka has been extensively repaired and thoroughly renovated for housing women convicts. A fully equipped, well lighted and ventilated tailor shop with facilities for the manufacture of all clothing and bedding required in the operation of the department will be located where there were formerly gloomy dungeons.

The State cotton mill at Speigner has been improved. Automatic looms have taken the place of old style ones, resulting in an increase in output and improvement in quality of finished product. It became necessary to replace the old slasher with a new one, ordinary wear having rendered it unserviceable.

The conditions at Speigner Prison were such as to demand a new prison building. Accordingly plans were made and a contract entered into for a building of sufficient cubic space and ventilation to meet all demands, the common labor and some of the skilled labor used being furnished from among the prisoners and the lumber furnished largely from the State's saw mill manufactured with convict labor from timber cut from the lands of the State. During this period there was constructed at this prison a new septic tank for sewage disposal of sufficient capacity to meet the needs of this prison.

During this period it became necessary to repair the dam at Speigner. Convict labor has been used to put it in such condition as to render it temporarily safe, and further strengthening of it by driving piling to permanently reinforce it is contemplated. Due to the unusual requirements from convict labor in carrying out the improvement program of the department, labor has not been available for this work and this accounts for the fact that this part of the improvement program of the department has not been completed.

The most important undertaking of the department during this period was the purchase of 1,413 acres of land, a part of the former site of Camp Sheridan, and the erection thereon of a modern prison building with a comfortable housing capacity of about 900, within an enclosure of more than

twenty-seven acres surrounded by a reinforced concrete wall twenty feet in height. This prison building is of the most modern construction with adequate hospital, bathing, laundry, lighting, heating and power equipment. Within the enclosure there is under construction a cotton mill of 10,000 spindles capacity, the entire output of which has been contracted at the market price for a period of five years, thereby guaranteeing to the State a legitimate manufacturing profit for that period.

In connection with this prison there has been constructed a modern dairy barn equipped with all of the necessary facilities for producing and handling the product in the most sanitary way. Silos, feed carriers, and manure pits, as well as all other necessary improvements and labor saving devices are a part of this plant. This barn has been stocked with Guernsey cattle of the best blood lines and milk producing proclivities.

Nearby this dairy plant is the modern hog farm referred to elsewhere in this report. It is provided with housing facilities along modern lines and is stocked with registered Duroc Jersey hogs that consume the surplus of skim milk from the operation of the dairy. From this farm, all of the farms of the Convict Department are supplied with pure bred stock for breeding purposes.

CONTRACTS

At the beginning of this period, contracts were in force with four coal operators, viz.: Montevallo Mining Company, mine at Aldrich; Bessemer Coal, Iron & Land Company, mine at Belle Ellen; Pratt Consolidated Coal Company, mine at Banner, and Sloss-Sheffield Steel & Iron Company, mine at Flat Top.

All of such contracts with coal operators existing at the time were terminated by agreement on December 31, 1919, and new ones effective January 1, 1920, entered into for a term of three years. All of these new contracts were based on the price paid free miners for pick-mining on the Big Seam which, at that time, was 85½¢ per ton and amounted to:

\$93.12½ per month for 1st class men,

83.12½ per month for 2nd class men,

73.12½ per month for 3rd class men,

63.12½ per month for 4th class men,

and provided for an advance or decline on the same percentage as any advance or decline was made in the price per ton paid to free miners. During the tenure of this contract, the price paid the State for first class men advanced at one time to more than \$105.00 per month—the highest price ever received by the State for any of its convicts.

During the current calendar year, the Montevallo Mining Company was declared bankrupt, and its mine has been operated several months by a trustee under an order of the court. The contract with this trustee has been extended from time to time and recently has been extended to end January 31, 1923, on terms similar to those of contracts with the other contractors mining coal. In making the last extension one of the conditions was the settlement of the indebtedness of the company to the State for accrued hire of convicts.

The contracts with Pratt Consolidated Coal Company, Bessemer Coal, Iron & Land Company, and Sloss-Sheffield Steel & Iron Company, have been extended in all respects for the period of one year with the added advantage of a simpler method of definitely determining the amount of hire due for convicts each month.

In addition to the contracts with coal operators, there was one with the Horse Shoe Lumber Company, dated March 20, 1918, effective April 1, 1918, for a period of five years, and ending March 31, 1923. This contract also contained a provision for increase or decrease in convict hire based on the

price of lumber, the base price being \$50.00 per month per man when the price of lumber is \$25.00, and an increase or decrease of \$2.00 per month per man for each \$1.00 change in the price of lumber.

This contract was used by you as a base contract, and contracts with Dixie Turpentine Company, Henderson Land & Lumber Company, Bagdad Land & Lumber Company and Alabama Turpentine Company were amended, effective February 1, 1919, so that the convict earnings under them should equal the earnings from the Horse Shoe Lumber Company. The results of this amendment are reflected in the financial statements herewith. All of the contracts mentioned in this paragraph were terminated to improve conditions with those convicts employed under them.

In addition to the manufacture, at Wetumpka, of clothing and bedding required in the operation of the department, a contract has been entered into with the Life-wear Manufacturing Company that will furnish profitable employment for not less than eighty-five nor more than one hundred and fifty prisoners. There has been equipped a room in the prison by the second party with modern cutting tables, machinery and appliances for the expeditious and economical manufacture of a garment under the supervision and instruction of the second party who will maintain and keep in repair all the equipment and compensate any person for damage or injury resulting from failure to so maintain and keep in repair such equipment. Under this contract, the State is to furnish the necessary light, heat and power for the operation of the plant, and will receive a stipulated price for the manufacture of the garments, at the same time retaining the control and management of the convicts.

The output of the mill under construction at Kilby Prison is to be consumed by the Reliance Manufacturing Company in a plant to be equipped by them within the prison enclosure. This plant is to furnish profitable employment to not less than three hundred (300) nor more than six hundred (600) prisoners, and will be operated under the supervision and instruction of the second party with light, heat and power furnished by the State, which will receive a stipulated price per garment and in addition a fixed return for transporting and handling the raw material from mill to warehouse. There is an option in this contract, whereby the capacity of the Kilby mill may be increased from 10,000 to 25,000 spindles and the second party take the increased output. This contract makes further provision for the sale of the output of the Speigner mill and its present capacity to the second party, should the State elect to manufacture a product of certain specifications. Payment under this contract as well as under the one with the Life-wear Manufacturing Company is to be made to the State by the 10th of the succeeding month.

FINANCIAL STATEMENTS

There are attached hereto both detailed and condensed statements of the receipts and disbursements at each prison during the quadrennium, showing among other things the increased revenues received from the revised contracts effective February 1st, 1919 and January 1st, 1920.

From these statements it will be readily seen that the earnings of the convicts have been greater than at any period in the operation of the department. In addition to the high earnings of the prisoners during the period, the prison properties have been brought to a higher state of development than at any time in the history of the prison system of the State. After maintaining the department and making investments of more than \$1,000,000.00, there remains excess earnings for this period of \$2,360,098.52.

The farming and gardening operations of the department are shown to have yielded greater returns than heretofore and the State's farming lands are in a higher state of cultivation at the close of the period than they were

at the beginning. In the recent past, a farm land expert viewed one of the State's farms and his comment contains the following:

"Most of the soil seems to have been well handled, the crops rotated, and the fertility maintained by manuring, fertilizing and the growing of such legumes as cowpeas, velvet beans and peanuts."

There is also attached a condensed inventory of prison properties and equipment showing the investments of the State in lands and buildings to be \$2,155,172.37, and in prison and farm equipment to be \$182,911.10, making a total investment in prison properties and equipment of \$2,338,083.47. The values placed on the properties are conservative, being based on the selling price of the adjoining property while the equipment has been valued by competent persons who are familiar with all of it, including the livestock.

In preparing this inventory, the growing crops on the farms have not been included.

Respectfully submitted,

WM. F. FEAGIN,
State Warden General."

ALMSHOUSES AND COUNTY CONVICT CAMPS

Your attention is directed to the following statement concerning almshouses and county convict camps, by Dr. Glenn Andrews, State Prison Inspector. His suggestion that county convicts be delivered to the State for keeping and working meets with my hearty approval and I commend it to your earnest consideration. I also approve of the proposed plan for district almshouses and hope some such plan may be worked out:

ALMSHOUSES

"Regular visitations have been made to the almshouses of the State and suggestions and advice given looking to improvement of these institutions. In some counties, there has been a marked change for the better, several having either overhauled old buildings, or constructed new ones, and more adequately met the demands for the ordinary comforts of life, and in providing wholesome food. Some counties have made less progress along this line, and others have done practically nothing, but have continued a policy of shameful neglect toward this unfortunate class.

The provision made for the indigent is, in many of the counties of this State, to say the least, indifferent, crude and productive of evil results, and reflects neither credit upon our generosity nor Christian civilization. It is not enough to say that we are doing equally as well as most other states. That neither relieves our reproach nor removes the danger of poverty.

Destitution is the greatest evil with which man has to contend. It begets poverty, ignorance, crime, disease, and death. Hence, it is the supreme part of wisdom to combat it in an intelligent and wholesome way. There are at present more than one thousand inmates in the county almshouses of the State, and this number, unquestionably, would be greatly augmented if better accommodations were provided; for, it is a matter of common knowledge that these unfortunates frequently make the best of doubtful conditions in preference to going to the county institution which offers but little, if anything, better than the squalor and privation which already surrounds them.

The feeble minded, epileptic and insane, of course, are not proper subjects for the almshouse, and should, and must, have different provision made for them; and children between the ages of one and eighteen years should be barred by State statute from these institutions.

Upon visitations to the almshouses of the different counties, from time to time, fifty-five children were found confined in them. Their cases were,

in each instance, reported to the Director of the Child Welfare Department, in order that such provision, as was possible, might be made in order to remove them to more suitable surroundings.

In most of the counties of the State the almshouse property consists of a farm varying from a small tract of land in some, to quite an extensive acreage in others, and houses for the superintendent and inmates. The buildings generally are very cheap box affairs, constructed of rough lumber, and are provided with no conveniences. The furnishings are in keeping with the structures, and the surroundings are uninviting. In a large majority of instances water, for all purposes, is obtained from surface wells, drawn in buckets. No bathing facilities being provided, the inmates use small tin tubs or basins, for this purpose, or go without ablutions for indefinite periods of time. Ordinary surface closets, in the main, are in use, and they are both offensive and dangerous. It can be readily seen that the simplest principles of sanitation cannot be enforced, and that comfort is impossible under such conditions.

In a majority of the counties the commissioners enter into a contract with some person to supervise and conduct the almshouse, paying him on a per capita basis from about eight to twenty dollars a month, and he has, in addition, the proceeds from the cultivation of the farm lands, if there be such, for feeding and caring for the inmates. The counties usually supply furnishings for the houses, and provide shoes and clothing for the inmates. However, in some instances, the superintendents are required to furnish the shoes and clothing.

Under the system generally practiced in the State, the supervision, care, direction and control of the inmates of the almshouses is practically left to the superintendent in charge. He and members of his family usually look after the inmates, and in addition, do the work required about the premises and the farm. The contract is entered into by the county on account of its supposed saving in money to the treasury, and by the superintendent as a means of providing a support for himself and family and of laying up money for the future. It can be readily understood that the inmates, necessarily, frequently suffer from neglect, this being specially the case among those who are ill.

It is not so much the fault of the supervisors, as it is the system in vogue, that makes conditions, in many of the almshouses of the State, unspeakable, and a betterment cannot be reasonably expected until a radical change is inaugurated.

With limited exceptions there is but little, if any, provision made for religious services at these institutions. Men and women sicken, suffer, die and are interred, without the privilege of ministerial consolation or decency of Christian burial. Only a pauper, and no one cares.

A ready commingling of the sexes obtains in all but a limited number of the almshouses. A very large majority of the inmates of these institutions are, of course, aged; however, there are men among them who are virile, and women still capable of child-bearing, and it is imperative that there should be absolute sex segregation.

Children, the product of almshouses, are either feeble minded, or if normal, almost invariably become criminal, and, hence, are not only a menace but a care to society.

Only a proportion of the indigent and feeble minded find their way into the county almshouses. Many of the remainder roam at large, giving life to disease, poverty, crime, sorrow and distress, adding an incalculable burden to be borne by the unthinking public. Unfortunately this state of affairs is greatly augmented in some of the counties by the action of those in authority who, instead of making proper provision for the care of this class, and bringing them under observation and control, actually invite the condi-

tions above mentioned by paying out a stipulated amount each month to certain paupers, and permitting them to live and go where they please.

Fortunately the percentage of destitution in the State is, apparently, no excessive. However, the condition is here and demands careful consideration in order to mitigate, as far as possible, the suffering which it causes, and to circumvent the evils which it begets.

The loss entailed from poverty is largely intangible and, hence, it is difficult to make the people appreciate its magnitude. It is reasoned that if a man is unable to labor, how can there be a loss if nothing was ever earned? The answer is obvious. When a person, from any cause, fails to sustain himself, and to add to the accumulated wealth of the community, by his efforts, the amount usually produced by the able-bodied, the community loses that much. Again, it is well recognized that each dependent calls for the services of another to care for him, and this loss is further sustained. If for no higher motive, selfishness demands that rational procedure be had which will estop such conditions.

The poor farms of fifty-three counties comprise an aggregate of 4,790 acres of land. Eleven counties maintain no almshouse and three, viz.: Clarke, DeKalb, and Pickens, have failed to report. These lands are valued at \$186,800.00 and the buildings and furnishings at \$271,566.00, or a total of \$458,366.00.

It cost in money actually paid out by sixty-four counties last year \$189,066.07 to operate these institutions, and in caring for the poor. In addition to this, in most of the counties, the returns from the cultivation of the lands was allowed as a part of the remuneration of the superintendent of the almshouse. These counties cared for an average of 1,081 inmates per month during this period of time. It will be seen then that it cost \$14.57 per capita each month to provide for the paupers. This, however, does not provide a clear idea of the true conditions, for the cost of such purpose varies widely in different counties. One county paid as high as \$40.11 per month for each person, another \$34.16, while on the contrary it cost but \$2.00 per capita a month for another county to farm out her wards.

Again, this property belongs to the different counties of the State and is non-taxable, the State and counties thus lose the taxes therefrom. There is invested about \$450,000 in money, which is non-interest bearing, and in most instances, at least, brings but little, if any, return to the county making the investment. These are legitimate items of cost to be added to the annual expenditure for the maintenance of the paupers.

Four hundred and fifty thousand dollars is not an unreasonable amount to have invested for suitable places in which to care for the State's unfortunates of this class, nor is \$190,000.00 a large amount to pay annually for their support, provided they are well cared for, and society receives just and adequate protection in return. The expenditure of a much larger amount, if necessary, to gain these ends would be economy. However, under the prevailing system, in most counties, neither is attained.

Poverty being recognized as the greatest curse confronting society, then society owes it to itself to institute all possible measures, that are reasonable, to control and wipe out pauperism, and while providing unselfishly for the unfortunates of this class, at the same time, should demand of all such who are mentally and physically able to labor, even in a limited degree, that they perform given daily tasks, thus aiding in their own sustenance. By such requirements and proper oversight, all of them will be made happier and healthier, and some, at least, returned to avenues of self respect and support.

Since the laws of the State governing these institutions are practically negligible, comprehensive statutes must be enacted by the Legislature for their control. The question must not be considered merely from the stand-

point of caring for the unfortunates among us, but, as well, for the protection of society from suffering, vice, crime and death, and from the great financial burden which such conditions, when permitted to run at will, entails.

The county commissioners should realize the great and menacing burden, which present conditions place upon the community, and recognize that the management of these institutions must be reduced to a practical and common-sense basis. The county must operate the institutions, selecting a superintendent according to given qualifications, and place him upon a salary dequate to command both his talents and time, and furnish such necessary assistance as may be demanded.

The first cost for establishment and subsequent overhead expense is the chief financial burden. It occurs that if several contiguous counties, or all the counties of a congressional district, or of some other unit, should unite in constructing and maintaining an almshouse, these items would be greatly reduced for the individual counties participating.

Besides comfortable homes, each institution should be provided with farm lands of sufficient acreage to produce all necessary vegetables in abundance, and to graze cattle for meat and dairy purposes.

County convicts should be designated for given work, and these together with such of the inmates as are able to labor, could make the farm practically support the institution.

A proper place having been provided, society, for self-protection, must force all who are unable to gain self-support and have no one to care for them, to enter the institution and be subject to proper discipline and control.

Adequate provision must be made to separate completely the worthy from the vicious, and the sexes must be kept absolutely apart. Wise discipline, orderly work and kindly management will undoubtedly inspire new hope, and a desire for better things in the minds and hearts of some of these unfortunates, and if carried to a logical conclusion, such humane course will, within a generation or two, work a complete revolution in the matter of pauperism in our State."

COUNTY CONVICT CAMPS

"While making inspections of other institutions my attention was called to the conditons prevailing in the camps for county convicts in several of the counties.

Your Excellency was advised relative to this, and under the provisions of the General Acts of the Legislature 1911, page 631, you authorized me to visit all such camps, and to exercise such jurisdiction over them as is provided by law.

The statutes relative to county convicts are inadequate, and should be so revised as to bestow more direct authority upon the State regarding their management and control.

At present ten counties are working their convicts on the roads, one of which leases the convicts of four other counties, and one divides its convicts, sending part of them to the mines. Two counties lease their convicts to farms, fifteen to two different lumber camps, and thrity-seven to a coal mining company.

From time to time these camps have been visited, as opportunity permitted, and in several of the counties there has been marked improvement in the housing, general sanitary conditions, food and in other ways tending to make for the better care and comfort of the prisoners.

In some, however, the conditions are far from satisfactory. The limited number of convicts makes it too expensive to properly provide and care for them, and as a result the men suffer from a lack of the most ordinary comforts and from neglect.

Where men are taken out on the road to work, in some instances, the movable steel cages are used, and the men are necessarily crowded into them upon returning from work, and have not sufficient room for exercise or recreation to which they are entitled.

The overhead expense, incident to these county camps, is usually a burden greater than the returns gained from the labor of the prisoners. Again, under this system a man is sentenced to hard labor and no account is taken of his physical condition.

The number of convicts is too small in a large majority of the counties, to afford the necessary expense to provide for observation and classification before assignment to work, and too, a county can only use her convicts in a limited sphere, either to work the roads or farms.

In several of the counties where the convicts are worked on the roads, the county authorities state that the labor is satisfactory and that the cost is no greater than that of free labor, if as great. However, the authorities of some counties frankly say that the system is both unsatisfactory as to results obtained and expensive. The members of the Board of Revenue of one of the counties said that, the system wrought a great burden, and was highly unsatisfactory and was only kept up through regard for public sentiment which demanded that the convicts be worked on the roads.

The fact that fifty-seven counties have abandoned the working of their convicts, and are leasing them to other agencies for small remuneration, is strong evidence that the system of county operation, as practiced in this State, has been a failure, and suggests that more rational means should be instituted for disposing of these prisoners.

These convicts are largely drawn from among petty offenders and, hence, the sentences of many of them are for short periods of time, a few days or months, and hence, contracting companies, who are required to take all the convicts of a county, regardless of physical condition or term of sentence, pay only a nominal amount per capita for them. These companies, of course, enter into the contract for the purpose of gain, and expend no more than they are compelled to upon the care and comfort of the prisoners, and exact as much in return as the men can be made to produce, with their labor. There is no supervision over these places, except such as is afforded by occasional visits from a State representative.

If prisoners are to be leased, the institution leasing them should be brought under close supervision and control in order to minimize or prevent evils, which, otherwise, will inevitably creep in.

The wide difference in population, property values, climatic conditions and racial integrity, between the several counties of the State, renders it difficult to establish a uniform system of employment for convicts which would be applicable alike to each unit. Possibly a district, comprised of a number of counties, might in a way solve the problem, and certainly has many advantages over the present individual plan. The overhead expense would be greatly reduced, and the larger number of prisoners employed in labor would justify better accommodations and care, and enable the authorities to pay larger salaries, thereby securing more intelligent supervision. In the event a county did not work her convicts it might be required that they be delivered to the State for disposition, the State in return paying to the county a just amount for the services of the convicts less transportation expenses.

For obvious reasons, small or sparsely settled communities rarely make adequate provision for these unfortunates, and inhuman treatment inevitably results sooner or later wherever it is undertaken.

A person adjudged guilty of transgression of the State's law, misdemeanor or felony, should automatically go to the State for punishment. Such procedure, however, would require a radical change in the existing laws and custom in this State. It is a proposition tho' well worth consideration.

The State alone, on account of the magnitude of the question involved, and the necessary great cost, can supply the means whereby prisoners may be properly classified according to mental as well as physical condition, and institute such varied occupations as will make it possible to use to advantage the different prisoners according to their several abilities and terms of sentence, at the same time teaching them useful occupations, and thus afford the best means by which efforts can be put forth which will tend to lead to an elevation in morals, and open the door of hope, to some at least, who have found their way into paths of wrong doing, and returning them to society better for their punishment, and with an opportunity to lead useful lives, instead of confirmed criminals, made four-fold worse through the means which were resorted to as punishment for their misdoing.

A great deal of theory and well meaning sentimentalism is offered as a means of controlling and disposing of criminals. However, there should be no illusions nor delusions on the subject. The criminal as a class has to be dealt with firmly and positively, but this should be tempered with a kindly spirit of humanity. They should be made to labor at such service as they are best fitted for, and is provided by the State, in order to requite the State for their crime, and to maintain the expensive system of courts and prisons made necessary by their class.

A prison system is a complex question of many angles and huge proportions, and of such magnitude and importance as can be properly handled only by the State. This being the case, the State should exercise the majesty of her power and establish and operate an institution which will give profitable employment to all who are committed for transgressions of the law, affording them every reasonable opportunity for development of character, and becoming useful citizens when released from servitude, but, at the same time, exacting a just recompense to relieve society from excessive burdens caused by their acts, and protecting it against their future misdoings, and serving as a deterrent to others."

UNIVERSITY COAL LANDS

The Legislature by an Act approved September 23, 1919, directed the Governor and the Board of Control and Economy to make an investigation of the practicability of employing State convicts in the mining of coal on the lands of the University of Alabama. An appropriation of \$250,000 was authorized by the same Act for the purpose of developing the coal lands if it was deemed feasible and practicable. The conclusion was reached, after investigation, that the mining of coal from lands belonging to the University was not feasible or practicable with the amount of money authorized for the purpose.

In the opinion of the Board, to open and equip a mine with a capacity of 1,000 tons per day electrically operated would cost approximately \$500,000.

CONVICT LEASE SYSTEM

By an Act of the Legislature approved September 23, 1919, it was made unlawful for any person to lease or let for hire any State or county convict to any person, firm or corporation after January 1, 1923. By an Act approved October 29, 1921 the time

was extended one year. There has been much misapprehension throughout the State as to the effect of these Acts. The impression is quite general that the law forbids the working of convicts in coal mines after January 1, 1924. A casual reading of the law shows that it does no such thing. The law forbids the **leasing** of convicts after January 1, 1924, to any one for any purpose, but it does not prohibit the State from **working** convicts in mines provided they are not leased or let for hire.

The effect of this legislation is to abolish the convict lease system, but it permits what is known as the contract system. Under the law it would be possible for the State authorities to contract with a coal operator to mine, load and deliver coal at the mouth of the mine at so much per ton.

I have never been infected with the maudlin sentimentalism that is responsible for the doctrine that it is cruel and barbarous to work convicts in mines, that the convict should never be deprived of the open air and sunlight which is denied thousands of honest free workmen who choose mining as their business in life. But, I do believe that the convict should not be sent in to the mines except under conditions that will absolutely insure his good and humane treatment.

I have thought that the working of convicts in mines under the contract system would be safe and just to the convict, but with the light of a longer and broader experience and earnest consideration I have become convinced that no convict should be sent in to the mines except under conditions that remove him absolutely beyond the control and interest of any private person whatsoever. The only safe and justifiable conditions under which convicts can be worked at coal mining would be in mines owned or leased by the State and operated independently of all outside interests. I therefore recommend that the Act of September 23, 1919 be further amended so as to forbid the working of convicts in any other than State-owned or leased mines.

The effect of such amendment would be to leave on the hands of the State a large number of convicts without means for their employment. That situation could be met by the lease of coal lands of the University, or the purchase or lease of coal lands more advantageously situated, and the development of mines thereon.

Another way to meet the situation would be to double or treble the size of the State cotton mills and develop other manufacturing establishments. A good start in that direction has been made in the building of a 10,000 spindle mill, a shirt factory and a dye works at the new prison which will give employment to nine hundred men. No other employment will be as remunerative as coal mining, but that fact should not deter the Legislature from the performance of a plain duty. The taxpayers of

Alabama are able and I believe are willing to get along without the use of anything that looks like "blood money."

COAL MINE EXPLOSIONS

It seems impossible to prevent periodical gas explosions in the coal mines of Alabama. The horrible catastrophe which occurred at Dolomite mine, in Jefferson county, November 22, 1922, in which 80 lives were lost and 60 men were injured is a striking and sad reminder of the fact.

The United States Bureau of Mines and eminent mining experts have recently recommended the electric cap lamp as a valuable safeguard against explosions. I am informed the electric lamp is proving successful wherever used and that it is no longer in the experimental stage. Three gaseous mines in Alabama have recently installed this system of lighting. There is no authority vested in the Mine Inspection Department for requiring the mines to adopt this safety device. I recommend that the law be so amended as to make the use of it in gaseous mines compulsory with a suitable penalty for violation of the provisions of the law. I further recommend that all reasonable restrictions of dangerous practices in mines, such as smoking, carrying matches, building fires and the like, be adopted and that every possible safeguard be thrown around the miners while at their work.

PARDONS AND PAROLES

No prerogative of the Chief Executive exposes him to more unjust censure than that of the pardoning power. In my inaugural address I said that I would be slow to disturb the verdicts of the courts and that "when a grand jury, a judge, a petit jury and an appellate court have spoken I should hesitate to interfere with their judgment unless on matters arising after the trial, and then only when I am satisfied injustice has been done."

I confess that it has been impossible for me literally to carry out that determination. Difficult, very difficult, cases are constantly brought to the attention of the Governor and his sympathies are constantly appealed to. He holds in his hands, as it were, the bleeding hearts of thousands to crush or to heal by the utterance of a single word or by the stroke of his pen. And so, can there be any wonder if now and then he commits error on the side of mercy?

Notwithstanding the great difficulties necessarily encountered in the exercise of this power, I am confident that I have not misused or abused it. The following will show the extent to which the power to pardon and parole has been exercised during my term of office:

State Paroles—Issued January 20, 1919 to date, December 7, 1922.

1919	125
1920	141
1921	126
1922	98
Total.....	490

County Paroles—Issued January 20, 1919 to date, December 7, 1922.

1919	26
1920	26
1921	45
1922	36
Total.....	133

Pardons—Issued January 20, 1919 to date, December 7, 1922, for the purpose of restoring civil and political rights to ex-convicts who have served their time or had been paroled and made good citizens.

1919	7
1920	16
1921	18
1922	14
Total.....	55

THE INDETERMINATE SENTENCE LAW

The operation of this law during the past three years has justified its enactment. I call your particular attention to the remarks of the State Warden General concerning it in his report quoted in this message. His suggestion that prosecuting attorneys and trial judges be required to furnish information, such as they possess, relative to the offense committed, mitigating or aggravated circumstances and impressions as to the disposition and character of the felon in all cases of conviction for felony would, if adopted, be of very great assistance to the Board of Pardons and the Governor in the consideration of applications for paroles and pardons. The law now requires such reports from judges where the penalty is five years or over. It should embrace all felony cases and reports should be made by the solicitor as well as the judge.

THE ELECTRIC CHAIR

The gallows as a means of inflicting the death penalty for crime dates back to the period when punishment and torture were synonymous terms. All means of taking human life are abhorrent and it is certain that no perfectly satisfactory means will ever be discovered. It seems, however, in the absence of any satisfactory method the most humane one should be used. Elec-

trocution is quick, sure and painless and even if the first shock does not produce death the victim loses consciousness and dies without pain.

I recommend that an electric chair be installed at the new prison near Montgomery and that all persons sentenced to capital punishment be sent there for execution.

REFORM OF JUDICIAL SYSTEM

My first message to the Legislature contained the following:

"I recommend the creation of a committee of the Senate and House, or a committee of lawyers, not members of the Legislature, to sit during the recess and make a survey of our judiciary system and court procedure and to re-arrange the judicial circuits with a view to reducing the number of circuit judges and courts, if any are found unnecessary. Many judges of circuit courts have not enough business in their circuits to engage more than one-third of their time. Court officials, and all other State officers, for that matter, should work for the State twelve months in the year with reasonable vacations. I can see no more reason for the State paying men full salaries for three or four months' work than there is for private business concerns paying their employees for work which is not performed. Such practice is unheard of in private business."

The committee was promptly appointed but little was accomplished as a result of its labors. I renew the recommendation.

PUBLIC SERVICE COMMISSION

By Acts of the Legislature approved October 1st and 2nd, 1920, the authority, powers and jurisdiction of the Public Service Commission were greatly enlarged, affording the Commission opportunities for real and far-reaching service to the people of the State. Because of dissensions within the Commission, I regret to say, those opportunities have not been embraced to the extent contemplated by the laws and consequently the people of Alabama have not reaped the benefits of this department of the government to which they are entitled. With the change of the personnel of the Commission that will shortly occur, I confidently expect the wisdom of the Legislature in creating the Commission and enlarging its scope of powers and duties to be fully shown.

SECURITIES COMMISSION—BLUE SKY LAW

It is a source of gratification that I am able to say that the State Securities Commission, composed of the members of the Public Service Commission, created by Act of the Legislature, approved October 1, 1920, for the purpose of administering the "Blue Sky Law," has fully justified its creation. The operation of the law has, in my opinion, resulted in the saving of millions of dollars to our people. The total net cost of maintaining the Commission from the passage of the "Blue Sky Law" in 1919 to

October 1, 1922, was \$8,063.53. I quote from a report of the Commission as follows:

"During the year 1920-21 seventy cases, or applications, were by the department investigated, reported on, and hearings had thereon before and decisions rendered by the Commission. The total capitalization of the companies involved in such hearings was in round figures \$27,920,000. The number of applications favorably acted upon by the Commission, and in which permits to sell and offer for sale in this State "speculative securities" were authorized, was twenty (20). Of these, fifteen (15) were conditionally favorably acted upon; that is to say, conditions precedent to the issuance of such permits were imposed by the Commission. This was done wherever the Commission found that such was necessary in order to protect the rights and interests of the investing public. Such applicant companies were required to fully comply with such conditions precedent before permits were issued to them. This is the usual practice of this Commission.

During this year there were received and officially filed with the Commission applications from companies for permits to sell \$5,996,830 of such securities. Of these the total amount authorized by the Commission to be offered for sale in Alabama, including those conditionally authorized, was in the sum of \$4,919,830. The Commission, for one or more of the grounds set forth in section 6 of the Act, refused to issue permits to ten applicant companies, which refused permits aggregated \$1,805,000 of par value of such "speculative securities." There were nine suspensions of permits.

The total amount of property examined, valued and appraised during the year 1920-21 was in the sum of \$15,619,323, and was owned by thirty different companies. These examinations include examinations of legal title.

During the past fiscal year, October 1, 1921 to October 1, 1922, there have been held by the Commission fifty-one hearings of cases, or applications, on all of which written decisions have been rendered. In each instance the department has investigated and reported on the legal and financial organization and plans of the company in question, on the personnel, or officers and directors, and has appraised the physical and intangible properties thereof. The total authorized capital of companies which have officially filed application with this Commission, during the year 1921-22, for permits to sell "speculative securities" in this State is \$48,940,000. The total authorized capital of all companies considered and passed on during this year by the Commission is in the sum of \$65,050,000. The total amount of permits applied for during the year is in the sum of \$7,995,690, not inclusive of contracts of contract loan companies, all of which latter have been refused permits with one exception. The total amount of permits issued by the Commission during the year under consideration is in the sum of \$5,417,550, embraced in fourteen permits. The total amount of permits applied for and which this Commission has denied and refused to issue is in the sum of \$2,578,140, contained in eight applications, not inclusive of the contracts of contract loan companies, above referred to. The department has received, checked and audited seventy-two quarterly reports, showing the financial standing and condition of companies holding permits. The department has investigated and approved forty applicants for agents' licenses, to whom licenses were issued to sell such securities.

There have been nine suspensions of permits issued to companies, by reason of unsatisfactory showings as to their financial condition or by reason of such companies failing to file the full information required. This action stops such companies from lawfully further selling their securities in this State until their financial conditions have been shown to be satisfactory by reports filed with and approved by the Commission.

The department has investigated fourteen alleged violations of law in the sale of securities, or stock, which were deemed by the department to constitute violations of law. Each of these was placed before the circuit solicitor of the judicial circuit wherein the transaction, or transactions in question occurred, together with the evidence in each case. In twelve cases indictments, or true bills, were returned by the grand jury. In two of these cases the defendants plead guilty. In one case, upon trial, conviction and sentence by the court was had. To seven indictments demurrers were sustained. In two cases complaint has been filed with the President of the Commission against companies to which permits had been issued, but which had been by the department suspended. These complaints were heard by the President of the Commission who, after such hearings, made his findings of fact under section 11 of the Act. In each instance the suspended permits were by the Commission cancelled.

It is only within the last ten years that the imperative necessity for such legislation has gradually forced itself upon the minds of the legislative governing bodies of the various states of the American Union and Canada. In England the "English Companies Act" supplies the necessary legislation. In this country, Kansas was the first state to adopt a securities act, or "Blue Sky" law, which was in 1910. Other states have one after another followed her lead, until now forty-three of the states have adopted "Blue Sky" laws. Three of these states have Corporation Commissions, having jurisdiction of the issuance of all corporate charters as well as the issuance of permits, or authority, to sell "speculative securities;" these are Arizona, California, and Oregon. In six states, the personnel of the securities, or "Blue Sky," Commission is, as in Alabama, composed of the members of the Railway or Public Utilities Commission; these states are Alabama, Massachusetts, Nebraska, Minnesota, Virginia and Wisconsin. Massachusetts is the last state to adopt a "Blue Sky" law. It did so after a special commission had investigated and studied the matter for about a year, and adopted the Alabama way of handling it.

In Canada, "Blue Sky" laws have been adopted in the Provinces of Alberta, Manitoba, Saskatchewan and Ontario, the latter having become effective on July 1, 1922.

Ever since there have been "Blue Sky" laws, one of the greatest difficulties encountered by the various state commissions has been in law enforcement in relation to the interstate use by promoters of the United States mails and other agencies of interstate commerce. This difficulty was encountered by the Alabama Commission shortly after its creation. The question was carefully investigated and studied. The Alabama Commission conceived the idea of a national postal regulation, prohibiting the use of the United States mails, etc., in interstate commerce, for the purpose of selling or offering for sale securities in another state in contravention and in violation of the laws of such other state. Later this commission, at the request of the National Association of Securities Commissioners of the United States drew the first draft of the Denison Bill, introduced in the National Congress by Congressman Edward E. Denison, and has actively co-operated in efforts to secure its enactment by the National Congress. This bill has passed the lower house almost unanimously and is now pending in the Senate, with good prospect of an early passage. The bill has, among others, the support of the American Bankers Association, of the Real Estate Mortgage Bankers Association, of the National Association of Securities Commissioners, of the Associated Advertising Clubs of the World, and of the Post Master General of the United States. Its becoming a law is practically assured and will be a long step toward preventing the sale of fraudulent and worthless securities. Its enactment will eliminate the greatest difficulties heretofore encountered by State commissioners in the prevention and control of this evil.

It has been estimated by the Treasury Department of the United States that the people of this country have lost as much as \$5,000,000 annually through the sale of fraudulent and worthless stocks and other securities; and that \$4,000,000 of liberty bonds were taken from purchasers in some of the states of the middle west in a few months in exchange for worthless or doubtful securities that promised larger returns. In 1919 Mr. Louis Guenther, editor of the Financial World, published in the World's Work a list of get-rich-quick promotions whose capitalization exceeded \$3,000,000,000.

The only criticism that has been heard of the work of the department has been as to what some have thought to be delays incident to obtaining the action of the Commission upon applications and the issuance of permits. This in reality can not be taken as a criticism of the work of the department. What appears to be such delay is occasioned by the care with which the department examined and investigated the legal and financial organization of such companies, of the personnel of its officers and directors, of the legal titles to its properties and the care with which the department appraises and values the properties of such applicant companies. Great care must be exercised in doing these things in order to protect the investing public against fraudulent and worthless issues of securities.

The greatest benefit afforded to the people of this State by this law and this department however is not reflected in the applications or cases it has acted upon; it does not in fact show in the figures of this report. The get-rich-quick promoter knows that he can not qualify and obtain a permit, and consequently stays out of Alabama. Were it not for this law, these would flock to Alabama from all over the United States. Mr. James Weatherly, chairman of the legislative committee of the Alabama Bar Association, in his report to the Association on April 20, 1920, stated, in brief, that it was estimated that the effect of this law would be to save to the people of this State annually several million dollars that would otherwise be taken out of this State in worthless and questionable securities most of which would never return; that if the effect of this law was to save to the Alabama investing public only one-fifth of this amount, it would accomplish more good than at first would seem possible. Actual experience shows that the above figures are too low; twice this amount, it is now conservatively estimated, would in fact be more nearly correct.

Unfair competition in business is one of the things which the sound, legitimate business interests of this State and nation have for years actively and vigorously fought against. It strikes at the very heart of sound financial and business conditions. Of all unfair business competition, unsound blue sky promotions, with watered stock, etc., etc., is the most insidious, unfair and difficult for the legitimate business concern to combat.

Any well informed person familiar with business conditions in Alabama prior to November 28, 1919, when the first "Blue Sky" law went into effect, will recall how this State was literally over-run by salesmen of wild-cat, fraudulent or worthless securities. Even now this Commission received on an average of from two to six letters a week from Alabama citizens who purchased such stocks before there was a "Blue Sky" law, who have lost their money and who are now writing this department for assistance in trying to get information concerning the company in whose stock they invested. This is cited as showing a part of the benefit to the people of having such a law. Since the creation of this Commission, all well informed, observant people have noted the marked decrease in the number of such get-rich-quick stock-salesmen, and in the amount of such stock being offered for sale in Alabama. In fact, Alabama, is now practically free from such fraudulent and worthless security offerings, except through the United States mails. This, it is believed, is of much greater benefit to the people of this State than the actual work done by the department, however valuable that may be.

If anything, the effectiveness of the work of the department should be strengthened. This can be done, in my opinion, without increasing additional costs, by providing a simplified form, or forms of indictment for use in prosecutions of law violations. This I would recommend."

WORKMEN'S COMPENSATION LAW

Among the laws passed by the Legislature of 1919 none is more far-reaching in its humanitarian aspects than that of the "Workmen's Compensation Act." This law became effective January 1, 1920, its administration through the Act being placed in the hands of the Director of the Department of Archives and History. There have been reported to the Commissioner since that date and to October 1, 1922, a total of 16,304 compensable cases of injured workmen. The amount of compensation paid to these men by employers and compensation insurance carriers totals \$1,406,972.63. The number of cases adjusted through the circuit courts during that period was 376 with an award value of \$406,961.07.

The above figures refer only to those cases in which the period of disability exceeded two weeks. None of the foregoing figures include medical expenditures, burial and other expenses, covering only compensation.

Under the Act employers working sixteen (16) or more men automatically come under the law unless they elect not to do so. Many of these carry their own insurance without any form of bond while the majority insure their risks by compensation underwriters operating in Alabama.

AMENDMENTS SUGGESTED

Since the enactment of the Workmen's Compensation Law and three years' experience the need for amendments is apparent. The Act should be re-written and couched in language intelligible to all, including the working man himself. A table of specific awards should be tabulated instead of reading continuously as at present, and a section set aside for definitions of the terms used, to be arranged alphabetically. Instead of applying only to employers working sixteen or more employees the number should be reduced to five (5). The coverage of railroad employees should be explicitly defined. The law at present specifically states that it shall not apply to any common carrier (doing an interstate business) while engaged in interstate commerce. At present three railroads in Alabama are reporting accidents occurring to shop men. Thousands of trackmen, section hands, and others are left with no organization to look after their interests in case of accident. Trainmen proper constitute but approximately one-fourth of the total railroad employees, shopmen ex-

cluded. The Act should also clearly define what stevedores and longshoremen are engaged in admiralty activities.

Under the present Act settlements may be made for an amount "substantially" the same as the specific benefits of the Act, which leaves settlements within the discretion of the court. There is a conflict in the same section as to the court jurisdiction in making settlements; in one subsection the authority is fixed in the circuit and another in the probate court. The rights granted to an injured workman should not be waived by any court or individual.

In view of the fact that a number of employers subject to the law are on a precarious financial basis, less favorably situated to install safety devices, and operating a hazardous business, it is highly desirable that some form of bond be required of self-insured employers for the protection of injured workmen in case of financial disasters. In such plants the injured workmen now have no protection whatever.

The Act should be amended making it a misdemeanor and punishable by fine for any employer to charge his insurance premiums against any of his employees. The Act's benefits should be extended to cover occupational disease and disfigurement. When minors are illegally employed and injured in violation of the Child Welfare Act of Alabama the compensation paid by an employer should be increased 100 per cent.

The waiting period under the Alabama Act, or the fourteen days following an injury before compensation begins, should be reduced to seven (7) days, compensation beginning on the morning of the eighth day after the accident and becoming retroactive to the first day of disability upon the twenty-second day after the accident. The workmen's compensation laws of several states in the Union do not allow any lapse from accident to beginning of payment. A number have three days, more still have five, whereas those states that have fourteen days waiting period are reducing to seven days, or less, as fast as their legislatures meet.

The present percentage of payments in non-fatal cases should be increased from 50, 55 and 60 per cent of the average weekly wages to 55, 60 and 66 $\frac{2}{3}$ per cent. The weekly maximums of \$12.00, \$13.00, \$14.00 and \$15.00 should be increased to \$14.00, \$16.00, \$18.00 and \$20.00. The present limiting of dependents in non-fatal cases to "children under 18 years of age" should be changed so as to apply to all persons totally dependent on the injured workman regardless of their relationship, and including the wife of the injured man.

The schedule of awards for permanent partial disabilities should be restated and considerable increase specified. There is

no reason why an Alabama workman should be allowed 50% of his weekly wages for 200 weeks for the loss of an arm, while in New York and other states, the workman is paid 66 2/3% of his weekly wages for 312 weeks. The same discrepancy prevails for other lost members and senses, such as sight, hearing, etc.

In fatal accidents the payments should stop at the remarriage of the widow. The orphans should receive their compensation regardless of their mother's remarriage until they become eighteen years old. In case of the widow's remarriage the compensation payments should be made to the probate judge of the county in which the orphans reside, he becoming custodian of the compensation paid them, such funds to be disbursed at his discretion for their education and benefit.

Under the present Act medical treatment may not exceed sixty days with a maximum expenditure of \$100.00 by the employer. Experience under the law shows that \$100.00 is frequently inadequate, especially where hospital treatment and surgical operations are called for. The present allowance of \$100.00 for burial expenses should be increased. A schedule of physicians' fees should be adopted to secure uniformity throughout the State and a time limit fixed for the presentation of the physician's bill.

At present Alabama has no law requiring the installation of safety devices in industrial plants. Such an amendment should be made to the workmen's compensation law and inspectors provided. The law should call for the services of a law enforcement officer of this State and such other work as the commissioner, in conference with the chief executive of the State, should deem wise looking to the proper enforcement of the law.

All accidents in which an expenditure is made for any reason should be reported to the commissioner within seven days. The present Act affords an opportunity for delaying reports and prevents a prompt review of the case by the commissioner. A penalty should be assessed against every employer who fails to report accidents or submits incomplete reports to the commissioner. Physicians should be required to report to the commissioner every industrial accident treated by him on blanks furnished for this purpose and a penalty assessed for each case of delinquency. Every employer subject to the compensation law, as amended, should be required to register with the commissioner on blanks furnished for that purpose and failure so to register should subject such employer to a fine. Under the present law it is impossible for the commissioner to know whether all employers of the State amenable to the law are reporting or not.

Probate judges, with whom notices of election not to come under the Act, are filed should be required to supply the com-

missioner with duplicates of such notices. The commissioner should be authorized to amend the report blanks now in use and create new ones as the necessity arises.

A very important amendment that should be enacted is a provision that no employer's first report of injury should be submitted to the commissioner through a second party or parties. Any other method than this admits of delay (either willful or not) in the insurance carrier's department and affords a source of uncertainty and annoyance in the analysis of reports.

The Legislature made no specific provision for salaries or expenses for the conduct of the workmen's compensation division, leaving the matter to the discretion of the Governor. The present commissioner has conducted the work during her entire term of office without remuneration and with the assistance of only one clerk, whose salary is paid from the Governor's Contingent Fund. The cost of printing and distributing the accident report blanks, postage, office supplies, etc., has amounted to a total of \$6,126.29, from January 1st, 1920 to October 1st, 1922.

On account of the importance and scope of the work devolving upon the administration of the workmen's compensation law the duties should be performed by a commissioner who has no other official position and an adequate clerical and field force should be provided.

The authority of the commissioner should be increased from the present status of a mere statistician to that of an executive with proper powers looking to the development of the law along the broadest and most useful lines.

ALABAMA MEMORIAL COMMISSION

At the regular session of the Legislature of 1919, an Act was passed creating the Alabama Memorial Commission and appropriating \$10,000.00 for putting on a campaign to raise subscriptions and contributions for the purchase of a site and erection of a building as a memorial to Alabama and Alabamians in the World War.

Pursuant to the Act, the Commission, consisting of several State officials and twelve private citizens appointed by the Governor who is ex-officio chairman of the commission, held its first meeting February 18, 1919, and determined that the form of the memorial should be a building in which should be kept the records and relics of Alabama's part in the great struggle for the preservation of civilization as well as all other wars in which the State had participated, including Confederate records, etc. A campaign was launched which culminated in a State-wide effort for subscriptions ending July 4th of that year. Owing to the fact that private resources had been so heavily drawn upon by the ex-

gencies of the war and the conditions immediately following the armistice, the campaign was deeply disappointing. The commission had set a half million dollars as a minimum cost for a building worthy of the great events which it was to commemorate. The Legislature had authorized an appropriation of \$50,000.00 towards the memorial contingent on the public subscribing \$200,000.00. Voluntary contributions paid into the treasury up to October 1, 1922 aggregated \$50,789.49. The State Examiner of Accounts has found above \$10,000.00 unremitted in the hands of solicitors and depositories which will at the next meeting of the commission be drawn into the treasury. There has been expended for the purchase of a site on which the building will be located, \$35,432.24. There remains on hand unexpended from contributions in the treasury \$15,357.25. The site purchased by the commission consists at the present time of 300x150 feet on Washington street facing the south end of the capitol. The committee on site of the commission is negotiating for additional land which will enlarge this area with the expectation that the entire block will ultimately be purchased for the site of an adequate building. Recognition of the great service rendered by the people of the State in the defense of civilization, and as a just tribute to the 2,000 sons of our State who made the supreme sacrifice, should no longer be delayed. The slow pace struck by the people of Alabama in responding to the call made upon their sense of gratitude is in sharp contrast to the ready, quick and cheerful response of our soldier boys to the call to the colors when the interests of the people were threatened by a foreign foe.

Alabama is one of the few remaining states in the Union that have failed to erect an adequate memorial to the World War heroes. Funds for the prompt completion of the plans recommended by the Memorial Commission should be provided by the Legislature. This tribute should come from the whole people through its taxpayers rather than from a few generous patriots who have made great personal sacrifice to raise the funds with which the site has been provided. The opinion is unanimous from all taxpayers who have expressed themselves on the subject that the State treasury is the proper source from which all further funds looking to the completion of this memorial should be drawn. I, therefore, recommend that this patriotic debt be provided for by an adequate appropriation.

CONFEDERATE PENSIONS

From October 1st, 1915 to January 1st, 1920, the pensioners by law were divided into three classes. The first class included all pensioners, men and women, over eighty years old or totally blind. The second class included all pensioners, men and women, over the age of seventy and under eighty. The third class in-

cluded all pensioners, men and women, under seventy years of age.

The pension fund was divided as follows:

1st class to receive \$25.00 per quarter,
2nd class to receive 20.00 per quarter,
3rd class to receive 16.00 per quarter.

At the July quarter of each year, it was found that the appropriation made was not sufficient to pay the full quarter, consequently the amount actually received by each class per year was as follows:

For year ending September 30, 1915, 1st class received.....	\$91.25
For year ending September 30, 1915, 2nd class received.....	73.00
For year ending September 30, 1915, 3rd class received.....	58.40
For year ending September 30, 1916, 1st class received.....	90.00
For year ending September 30, 1916, 2nd class received.....	72.00
For year ending September 30, 1916, 3rd class received.....	57.60
For year ending September 30, 1917, 1st class received.....	87.50
For year ending September 30, 1917, 2nd class received.....	70.00
For year ending September 30, 1917, 3rd class received.....	56.00
For year ending September 30, 1918, 1st class received.....	87.50
For year ending September 30, 1918, 2nd class received.....	70.00
For year ending September 30, 1918, 3rd class received.....	56.00
For year ending September 30, 1919, 1st class received.....	87.50
For year ending September 30, 1919, 2nd class received.....	70.00
For year ending September 30, 1919, 3rd class received.....	56.00

At the adjourned term of the Legislature of 1919, by an Act approved September 23, 1919, and effective January 1, 1920, all male pensioners were placed in a new class denominated Class A, and were to receive \$37.50 per quarter. For the fiscal year, therefore, ending September 30, 1920, the male pensioners received three quarters at \$37.50 or \$112.50 plus the amount they received in the class in which they were on October 1st, 1919. The widows on the pension roll were by the same Act to be paid what each had received for the year ending September 30, 1919, which was as follows:

1st class received.....	\$87.50
2nd class received.....	70.00
3rd class received.....	56.00

per year, paid as in the previous year.

Under an Act of the Legislature, Special Session 1920, approved October 5, 1920, effective January 1, 1921, the pension roll was ordered revised and all women over eighty years of age or totally blind were placed in first class and were to receive \$25.00 per quarter in full for each quarter or \$100.00 per year.

Second class, all widows over seventy and under eighty years of age were to receive \$20.00 per quarter in full for each quarter or \$80.00 per year.

Third class included all widows under seventy years of age and were to receive \$16.00 per quarter in full for each quarter or \$64.00 per year.

For the two years, therefore, between September 30, 1920, and September 30, 1922, the pensioners were paid as follows:

Class A men.....	\$150.00 per year
1st class widows under eighty and totally blind.....	100.00 per year
2nd class widows of age of 70 to 80 years.....	80.00 per year
3rd class widows under seventy years.....	64.00 per year

As widows become eighty years and seventy years of age respectively they are advanced to first or second class as the case may be.

The following is the distribution of pension warrants for October, 1918:

2,277 men and women in first class at \$25.00.....	\$ 56,925.00
5,574 men and women in second class at \$20.00.....	111,480.00
6,296 men and women in third class at \$16.00.....	100,736.00
14,147 men and women for this distribution received.....	\$269,141.00

The following is the distribution of pension warrants for October, 1922:

4,200 all men in Class A receiving \$37.50.....	\$157,500.00
1,469 all women, 1st class at \$25.00.....	36,725.00
3,276 all women, 2nd class at \$20.00.....	65,520.00
2,249 all women, 3rd class at \$16.00.....	35,984.00
11,194 men and women for this distribution received.....	\$295,729.00

It will be observed that the average quarterly payment has increased from \$19.02 in October, 1918, to \$26.40 in October, 1922, which is more than 38 per cent.

OLD SOLDIERS' HOME

The home for Confederate veterans has been the object of special care during this administration. The buildings have been thoroughly renovated, painted and made very comfortable. The roofs have been repaired, but they will need recovering within the next two years.

The Legislature of 1919 increased the maintenance allowance from \$150.00 per annum per inmate to \$210.00 and the special home allowance from \$1.00 per month to \$4.00 per month.

At the special session of 1920 the maintenance allowance was increased to \$300.00 per annum for each inmate and the special home allowance to \$5.00 per month.

It will be seen that the appropriations were doubled during the four year period. The allowance is ample for the proper maintenance of the old soldiers but it is not a dollar too much.

For full details see report of Board of Control and Economy.

CHILD WELFARE DEPARTMENT

Your predecessors responded promptly to the call made upon them for protection to the children of the State, who through poverty, neglect and unfortunate environment are deprived of opportunities for education and proper development. By act of the Legislature, approved September 25, 1919, the Alabama Child Welfare Department was created, with an annual appropriation of \$12,400.00 for its maintenance. At the special session of 1920 the appropriation was increased to \$30,000.00 per annum.

The department under the very able direction of Mrs. L. B. Bush has achieved wonderful results with the meagre funds at its disposal. The appropriation is utterly inadequate for the prosecution of the work that lies immediately ahead. I recommend that the appropriation be increased to not less than \$100,000.00 per annum.

This is a work of such vast importance and far-reaching consequences to the neglected, helpless and friendless children of Alabama that I am quoting the full report of the organization and operations of the department for the period from December 5, 1919, to September 30, 1922, earnestly commending it to the careful consideration of your honorable body and heartily endorsing the recommendations embraced therein:

"What the responsibility of the State, as a commonwealth, is toward disadvantaged children within its confines—potential citizens deprived of opportunities for education and development by reason of poverty, neglect, insufficient guardianship, and improper surroundings—has not received the amount of consideration by the citizenship of Alabama which it deserves. Nevertheless, the Legislature of the State has, from time to time, indicated a profound interest in the subject and a sincere willingness to meet the needs when those needs have been made known to it. Many valuable laws designed to prevent the exploitation of children and to preserve to them their natural rights are on our statute books. Also, the Legislature has provided institutional care for a certain percentage of the State's delinquent children and its mentally and physically defective, but the State per se, until four years ago, made little contribution toward a plan for prevention of dependency, neglect and delinquency or toward a plan of reconstruction of weak or broken family units.

The State Child Welfare Department, established by the Legislature of 1919, is fundamentally an agency founded on the principles of prevention and reconstruction. The department is closely related to that of health and education, yet distinctive and differentiated in that it is primarily a social agency with social functions. The Act establishing the department provides a State Child Welfare Commission to direct its activities. The commission is composed of the Governor of the State, the State Superintendent of Education, the Chairman of the State Board of Health, and six members with varying terms appointed by the Governor.

The present membership is as follows: Hon. Thos. E. Kilby, Chairman; Dr. John W. Abercrombie, State Superintendent of Education; Dr. S. W.

Welch, Chairman State Board of Health; Mr. Lee Bidgood, Miss Elizabeth Fonde, Mrs. W. L. Murdoch, Hon. S. D. Murphy, Hon. W. T. Murphree, Mr. Lawrence H. Lee.

The Act was approved September 25, 1919; the commission held its first meeting in the office of the Governor December 5, 1919. A director was elected. The Act establishing the department was read at length and rules for the government of the commission and the department were adopted. An executive committee of three members, of which the Governor is ex-officio chairman, was appointed to have necessary general control of all work during the period between the meetings of the commission,—as for instance, the approval of staff members nominated by the director and the fixing of their salaries and other expenditures.

The duties of the State Child Welfare Department briefly are as follows:

To devise plans for and have general supervision over all social work in the State for children;

To advise with the judges and probation officers of the juvenile courts of the State and to encourage and perfect the work of such courts;

To issue permits, or certificates of approval, to orphanages, maternity hospitals, lying-in homes, child-placing and home-finding agencies, and all other institutions receiving and caring for children, and to revoke such permits for cause;

To inspect and prescribe standards for all child-caring institutions and agencies, both public and private;

To require reports of all institutions and agencies and juvenile courts;

To enforce the State child labor law;

To make surveys and to hold conferences and conventions for the purpose of promoting an interest in welfare work for children;

To solicit and receive donations of money and other things of value to be used in the support of the work of dependent, neglected and delinquent children;

To place children in family homes or in institutions caring for children and to supervise such children however placed.

Adoption of Policies.

Careful study of the Act creating the department revealed the fact that a wide variety of duties relating to children would have to be undertaken. Substance of laws, methods of procedure, and policies of administration had to be worked out. Although many changes in program have been made from time to time, the same general policies adopted in the early weeks of its organization have been closely followed.

Plan of Work of Department and Staff.

At the beginning, the staff was limited to the director and a secretary, one field agent and one child labor inspector. A second child labor inspector was added early in 1920 and an institution inspector was taken on later in the year. Early in 1921, after the increased appropriation was received, there followed a general reorganization of the staff.

In discharging the duties prescribed by law, the members of the Child Welfare Department found themselves helpless in the matter of providing means for the care of children left destitute and homeless by reason of poverty, neglect, dependency and other causes, because there were no funds for child care. The provision of the Act relating to child care simply could not be undertaken. The Alabama Children's Aid Society, a State-wide home-finding society, raising its funds by private subscriptions, was found to be doing excellent work and among its directors were some of the members of the commission. It was agreed, therefore, by the commission that the field agent of the Child Welfare Department should be detailed to serve as financial secretary for the Children's Aid Society, raising funds for child care. The department thereupon assumed the responsibility of education and or-

ganization, of promoting better standards in all agencies and institutions engaged in child care, of gathering statistics relating to needy, disadvantaged children, of advising with judges of juvenile courts, and of enforcing the State child labor law, but not undertaking children's aid work nor engaging in home-finding and child-placing. In turn, for the assistance received in the person of financial agent to raise funds from the public, the Children's Aid Society agreed to take over for the department all destitute cases, particularly placeable, homeless children, where the department should fail to find or develop local or State agencies to give the individual type of care needed.

This co-operative plan of work between the two agencies continued for almost three years. In the meantime, more and more financial assistance on the part of the department was extended the society because of the extreme and urgent needs throughout the State. In the spring of 1922, the directors of the Children's Aid Society proposed to the Alabama Child Welfare Commission that the department take over the work of the society, declaring they believed the system of child care built up by the two agencies working together had come to be recognized by the people as a sound and fundamental part of the State's conservation program. The directors said further:

"Our sole purpose in striving for the taking over of the State-wide work of the society by the State of Alabama, officially, is that the work which we have started and built up privately may be enlarged and made more efficient and permanent by its acceptance at the hands of the State as a fundamental function of the commonwealth."

On October 1, 1922, the headquarters of the Children's Aid Society was moved to Montgomery, sharing offices with the State Child Welfare Department. By agreement between its directors and the State Child Welfare Commission, all activities heretofore carried on by the agents of the society are now carried on by the field workers of the department. The funds raised from the public are expended in the finding of normal homes for orphaned and needy children in Alabama, and in extending individual care in many cases,—as for instance, prisoners' destitute families, crippled children in families too poor to afford hospital treatment and in hundreds of other matters surrounding abandoned, homeless, orphaned, neglected, cruelly treated and needy children in Alabama.

The present personnel of the department consists of: The director, one supervisor of children's cases brought into the courts and general supervisor of child-placing by the department, three case workers, one institution inspector, one extension secretary and an assistant, two child labor inspectors, four office assistants.

Administration.

For the purpose of administration and organization the work of the department is divided into four bureaus, namely, the Child Labor Division, the Institution Division, the Juvenile Court Division, the Children's Aid Division. In addition to these general lines of work, the department issues bulletins and promotes interest in child welfare work by means of public addresses before clubs, associations, schools and other public organizations.

Child Labor Division.

The work of the Child Labor Division consists of the enforcement of the State child labor law and, until the Federal child labor tax law was declared unconstitutional, its provisions were also enforced by this department. The duties involved are:

(1) To make inspections of all establishments in the State where children under 16 years of age are employed or are likely to be employed in order to see:

That employment certificates are filed for all children between the ages of 14 and 16 (thus indicating their legal qualifications for entering industry);

That children under 16 be not permitted to work more than eight hours a day, nor more than forty-eight hours a week, nor before the hour of 7 o'clock in the morning, nor after the hour of 7 o'clock in the evening;

That children under 16 be kept out of occupations where life, limb or morals might be endangered;

That sanitary conditions of establishments where children are employed are so regulated as to safeguard the health of the children;

That the law and hours of work are posted as provided in the statutes.

(2) To supervise the issuance of employment certificates by superintendents of schools according to the procedure outlined by law and only to children who have met the age, educational and physical fitness requirements of the law.

The new law enacted in 1919 and the transfer of the administrative authority from the Prison Inspector to the Director of the Child Welfare Department, the lapse of three months from the time of this transfer to the organization of the department, the enactment of a new compulsory education act by the Legislature and the Federal child labor law by Congress, resulted in untold confusion. There was an immediate necessity for clearing up this confusion in the minds of school people, of employers, and of parents. A publicity campaign, explaining the three measures, was undertaken and followed up by the reorganization of the entire certificating system. There was a keen realization of the fact that heretofore hundreds of children under 14 years of age had qualified as 14 and left school, receiving no further education, and that if certificates to leave school and enter industry should be issued only to children actually 14 years of age, to children who had completed the 4th grade at least as prescribed by law, and to children who were physically fit for the jobs they would undertake, as also prescribed,—that this would mark the greatest step ever taken by the State in protecting children and preventing their exploitation. With this end in view, the entire certificating system has been completely reorganized. It has involved not only close co-operation and supervision of the work of the issuing officers (the superintendents of schools), but further investigatory visits to homes of children in order to determine that the evidence of age submitted is in accordance with law. Documentary evidence of children's ages in Alabama is not readily found and some parents are unscrupulous in making affidavits concerning the ages of their children when they desire them to leave school to go to work.

Routine inspections of all establishments in the State employing children have been faithfully carried on. Corrections have been made and in cases of flagrant violations, prosecutions have been brought.

The section of the child labor law relating to street trades prohibits girls under 18 from engaging in any work on the streets. It provides that boys ten years of age and over may distribute papers in residential sections of cities, but only boys 12 years of age and over may sell on the streets down town. In either case, a boy must have a badge furnished by this department and issued by the superintendent of schools, which badge constitutes his license and indicates that he is a regular attendant at school and that his school record is satisfactory. The law prohibits his selling before 5 o'clock in the morning or after 8 o'clock in the evening or at all during school hours. The enforcement of this clause was at first one of the most difficult tasks of the division because the public has so long maintained an illogical and sentimental idea that some great men have started life as newsboys. Little does it realize that these men merely represent a very small survival of the fittest. It has lost sight of the thousands of boys who have played truant from school or stayed on the streets late at night where they have acquired knowledge and habits which have led to their destruction. Knowing that an aggressive method of enforcing the street trades clause should never be adopted until it is backed by public sentiment, a careful study of hours, earnings,

and of general effects of street trades on children engaged in selling and distributing newspapers was made in the three large cities and in some of the smaller towns. As a result of these studies, the department won a very splendid co-operation from the newspapers of the State. The members of the Child Labor Division, assisted by local attendance officers and probation officers and heartily supported by the circulation managers of the largest papers of the State, have been marvelously successful in enforcing this section of the child labor law. The department feels a very keen sense of appreciation for the manner in which the owners and publishers of newspapers throughout the State have accepted the measure as one of great worth, and for the assistance they have lent in its enforcement.

Likewise the attitude of all the textile industries, with one or two exceptions, and most other manufacturing establishments, has been one of friendly co-operation in observing the provisions of the law. The greatest trouble has been found in the establishments of small employers where children come and go willy-nilly, substituting as delivery boys or grocery clerks and in other ways for higher priced labor. These boys, while earning a small amount, contribute little or nothing to the family income, yet often fail, because of the job, to make their grades in school.

The following table shows the number of inspections made during the period covered by this report:

	1919-20	1920-21	1921-22	Total
Number of manufacturing establishments inspected	403	608	612	1,623
Number of inspections of miscellaneous establishments	933	2,162	1,847	4,942
Total number.....	1,336	2,770	2,459	6,565

The total number of violations found and corrected are as follows:

1919-20	1920-21	1921-22	Total
448	849	681	1,978

The total number of children, 14 years to 16 years, inclusive, checked for the three years in all occupations are as follows:

1919-20	1920-21	1921-22	Total
1,224	2,097	1,873	5,194

During the first two years the educational requirement of the child labor law was only 120 days' school attendance during the previous year or the completion of the 4th grade. This provision of the law is so written that on and after Sept. 1, 1921, only the completion of the 4th grade can be accepted in issuing certificates. Duplicates of all certificates issued are required to be filed in the office of the Child Welfare Department. A study of these for the period covered shows the following facts regarding grades completed by children leaving school to enter industry:

1919-20	
No grade completed	30%
1st grade completed	1%
2nd grade completed	1%
3rd grade completed	3%
4th grade completed	7%
5th grade completed	20%
6th grade completed	15%
7th grade completed	12%
8th grade completed	11%
100%	

1920-21

No grade completed.....	½ %
1st grade completed.....	½ %
2nd grade completed.....	1 %
3rd grade completed.....	4 %
4th grade completed.....	12 %
5th grade completed.....	31 %
6th grade completed.....	20 %
7th grade completed.....	17 %
8th grade completed.....	14 %

100 %

1921-22

4th grade completed.....	30 %
5th grade completed.....	26 %
6th grade completed.....	18 %
7th grade completed.....	13 %
Number entered high school.....	13 %

100 %

The large percentage in the first table may or may not indicate that no grade really had been completed because if the child had attended school 120 days during the previous year, the issuing officer often failed to require further evidence of schooling. As the department encouraged the practice of requiring correct school records, the reports took on a different aspect. The reports of 1920-21 and 1921-22 cover certificates accurately issued. It is interesting to note that each year a large number of children complete the 5th, 6th and 7th grades. It would appear that Alabama might well afford to raise the educational requirement of children who leave school at 14. The number of children leaving and entering industry in 1920 is shown to be less than those leaving in 1920-21. This may be accounted for by the fact that the first year the department was in actual operation only nine months and records were necessarily incomplete. In 1921-22, however, the number of children employed is less than the number of 1920-21 by 224.

Institution Division.

The Act establishing the Department of Child Welfare provides that it shall be the duty of the department to issue permits or certificates of approval to orphanages, maternity hospitals, lying-in homes, child-placing and home-finding agencies and all other institutions receiving and caring for children and to revoke such license for cause; to inspect and prescribe standards for all child-caring institutions and agencies, both public and private; to require reports of all institutions and agencies.

An institution inspector was not employed until April 14, 1920. The fiscal year ended September 30th. The most that was done in connection with recognized institutions during this period was that of friendly visits, at which time, the law was carefully explained and the services of the division offered the institutions in the development of their programs.

There are in Alabama 12 institutions, receiving and caring for children, which are supported and controlled by churches and fraternal organizations; five detention homes for the juvenile courts of Jefferson, Montgomery and Mobile counties; 1 municipal home; 3 maternity homes which care for small children as well as for maternity patients and infants; and a number of so-called emergency homes receiving children. There was one child-placing and home-finding agency maintaining some 12 or 15 boarding homes for children, but this agency, the Alabama Children's Aid Society, is now a part of

the State Child Welfare Department and these homes are continued by the department.

The division has never undertaken any work in connection with the institutions for the deaf, dumb, and blind, but has from time to time rendered whatever service it could to the State institutions for delinquent boys and girls. In September, 1922, the institution agent was loaned to the State Training School for Girls for a month for the purpose of helping in the reorganization of this institution after it was moved into its new quarters.

One of the first matters of interest coming to the attention of the department was that of a maternity home maintained for unmarried girls which boldly advertised that adoptions could be "arranged." Investigation by the department revealed the fact that "arrangement" meant a large fee from the unfortunate mother, in some instances so large in comparison with her wage-earning ability as to hold her practically in bondage. Some of the children placed by this institution were found to be in the most undesirable surroundings.

One of the first steps taken was to prohibit child-placing by refusing to license institutions not living up to the standards. A case in point revealing the need of supervision:

This department was less than two months old when attention was called to an infant born in a maternity home and deserted. The matron of the home presented the child as a gracious gift to a woman who called and said she would like to adopt it. Investigation by us revealed the fact that the woman's husband was in prison; that the woman herself was a morphine addict; soon the child was found ill, even prostrate, from overdoses of paregoric. The court accepted our recommendation and the baby was committed to the Alabama Children's Aid Society. The society employed the best physician possible and carefully nursed the child back to health. Today she is a beloved daughter in a good Christian home, the pride of her foster father and mother.

1920-21.

The first round of inspections and visits brought to light the fact that in some instances children were being received without sufficient inquiry having been made into their past history, their family connections, etc. In some institutions, children were passing out without sufficient investigations and their whereabouts and the conditions under which they were living were often lost sight of. Records were regarded lightly sometimes, only a few institutions having careful record-keeping systems installed.

The law provides that "it is hereby made the duty of public and private reformatories, correctional and child-caring institutions, all orphanages, maternity hospitals, lying-in homes, or other institutions having or exercising jurisdiction or control of, or over, dependent, neglected, or delinquent children, to make such reports to the department, and at such time, as may be required by its rules, including the extent and source of income, cost of maintenance, number of inmates, and upon all such other objects as may be demanded. All reports provided for in this and the preceding section shall be upon blanks and forms provided by the Child Welfare Department." Rule 9 of the Rules and Regulations adopted by the Board on December 29 provides that "On or before the tenth of each month, every orphanage, or other child-caring institution, shall make a full report to the State Child Welfare Department of all admissions, discharges and deaths that occurred during the preceding month." Blank forms for the use of applicants and the reporting of admissions and discharges to the department, together with other necessary forms to be used in keeping records, were furnished in this

year to all the institutions in the State and monthly reports of admissions and discharges, together with other information, were required.

Studies of income and outgo, of all records, care of buildings, sanitation, diet, discipline, school work, clothing, medical care in practically all institutions in the State were made during this year. These studies were submitted to the boards of directors and many changes and improvements which were recommended were immediately undertaken. Stressing the need of co-operating more closely with all agencies in the community and the state, particularly the juvenile court, and especially in the matter of building broken homes and supporting weak homes, the inspector showed in her studies that 40% of the children in the institutions during this period were there because of abandonment by the father, the mother, or both.

1921-22.

The third year of the department's existence has been marked by the friendliest sort of co-operation between the institution division and the leading child-caring institutions of the State. Each institution has been visited at least twice during the year and plans for work studied. Suggestions and recommendations made by the division have been complied with and in turn the division has rendered all the assistance it could to institutions. Cases in point:

One orphanage placed a little 12-year-old girl in the home of a good man remote from the railroad, and requested our visitors to supervise the placement. This home has been visited from time to time and the foster parents assisted with their problems.

The foster parents of a little boy placed for adoption in a far distant state by an orphanage requested that the orphanage send for the child as they no longer wanted him. Investigation by child welfare workers in that state revealed the fact that the child had been placed in a most undesirable home. The department brought the child back to Alabama and returned him to the institution which had assumed his care in the first instance.

The Child Welfare Department has employed an institution inspector, a woman of very large training and experience in social and particularly institution work in many parts of the country. It is the purpose of the inspector to co-operate with the institutions of the State in a most friendly, helpful way and to spare no pains to bring about the best returns possible to the child. She is prepared by long experience in finance to go into the matter of business systems, to assist in building plans, and in working out budgets. By experience, also, she is prepared to assist in turning all resources of the institutions, such as farms, etc., to contributing means to child care. Systematic work in building up a balanced diet will be undertaken. Income and outgo of children will be carefully investigated and followed up wherever possible, and the institutions will be encouraged to place in good private homes young children without family ties.

Juvenile Court Division.

The duties of the State Child Welfare Department with reference to the juvenile courts of the State as prescribed by law are as follows:

To advise with the judges and probation officers of the juvenile courts of the several counties of the State and to encourage and perfect the work of such courts throughout the State.

To exercise general supervision over the administration and enforcement of existing laws governing apprenticeships, adoptions, and child-placing agencies.

Jefferson, Montgomery and Mobile counties have special juvenile court acts. The general juvenile court bill, enacted in 1915, applies to the remain-

ing 64 counties and provides that the judge of probate in each county shall be ex-officio juvenile judge. It also provides for the appointment by the judge of an advisory board of not less than ten nor more than 15 members made up of interested citizens of the county. The judge and advisory board are authorized to appoint probation officers for the service of the court, and fix their salaries, in agreement with the Boards of Revenue or Courts of County Commissioners. These county finance boards are authorized to pay such salaries and such other expenses as may be incurred out of the general funds of the county. Under the terms of the act, all neglected, dependent, and delinquent children under 16 years of age, or children under 16 having insufficient guardianship, or being in immoral surroundings may be declared wards of the State by the court and placed under probation or committed to agencies and institutions prepared to receive them. A companion act known as the Desertion or Non-Support Law is administered by the juvenile courts of the three cities and by the probate courts of the other counties.

The compulsory school attendance law of the State provides:

"Section 5. The county board of education shall arrange the county exclusive of cities into one or more attendance districts, and the said board shall appoint an attendance officer for every district created, who shall reside in the district and who shall hold his office at the will of the county board of education, and the board of education of each city of two thousand (2,000) or more inhabitants, shall appoint one or more attendance officers to serve at the pleasure of the appointing board, provided that this article shall be so interpreted as to make it possible for city and county boards of education, boards of revenue and courts of county commissioners to jointly employ any person or persons to carry out the provisions of this article and such additional duties as may be assigned them by such boards or governing bodies, in connection with the juvenile court of the county or the State Child Welfare Department.

It can readily be seen that there is present in Alabama available legal ways and means for the protection of children. The organization of social work in the counties has been made a basic part of the developing of field activities of the Child Welfare Department. Few counties, however, have availed themselves of the opportunities afforded. Many have not come to realize the needs, being satisfied, apparently, with the commitment of needy children, whether abandoned and dependent, neglected, or delinquent, to the State "reformatories" or other institutions. A lack of finances to carry on the organization has been the plea of most counties.

The juvenile court is fundamental to a county organization for child welfare; probation officers are fundamental to the court. Without the court and without trained workers as probation officers little constructive work can be hoped for.

It has become very generally recognized that practically every school attendance problem involves a family problem, hence it is desirable to appoint joint-attendance-probation officers, when feasible.

Covington County.

In 1920 the agents of the department were called to Covington county to assist in working out problems surrounding 14 children who were found to be delinquent in some instances as a result of immoral surroundings and in other instances, neglected and dependent. Following our investigations, the county juvenile court was organized and a splendid probation officer employed. One year later (1921) the County Board of Education appointed the probation officer also school attendance officer, furnishing transportation (automobile) and expenses. The work of this county, we believe, compares favorably with that of any rural county in the country. For the fiscal year 1921-22 not a single child was committed to the State Training Schools. Dependency and neglect, delinquency and non-attendance at school were

during this period taken over by the probation officer, assisted by agents of the Child Welfare Department, and Covington county preserved to itself its potential citizens in need of the county and State's care. The non-support law was invoked in 13 cases during the year.

Etowah County.

Early in 1920, Etowah county organized its juvenile court and funds for the salary of the probation officer together with expenses are shared by the County Court of Commissioners and the three municipalities of the county. Child welfare work which is a credit to the whole State is carried on year by year in this county. Before the organization of the county work and the employment of probation officers, this county had a record for an unusually large number of commitments to the State institutions. In 1921-22 the number was reduced to a total of 18.

Mobile County.

Early in 1921, two workers of the Child Welfare Department went to Mobile for the purpose of making a survey of the work of the agencies and institutions doing child welfare work. The juvenile court was found too badly housed and equipped for its work. It was not receiving the proper and necessary co-operation from city and county officers, school authorities, and public and semi-public organizations. There was a distinct lack of appreciation of the real function of a juvenile court evidenced by a majority of attorneys that appeared before the court. Likewise the judge and the judge of the circuit court seemed not to be always aware of the protective principle upon which the institution is founded. The volume of the work and the inadequacy of the staff made real probation work impossible although the investigations were well above par.

A report of the survey was made to the Juvenile Court Commission of Mobile county. It was given consideration. A new judge and new chief probation officer were elected. The City Commission assigned to the court the services of a plain clothes man of fine presence, pleasant address, and unusual tact. The court requested the department to lend an agent for one month to assist in reorganization. The request was granted. The situation is now full of promise but Mobile county must secure a revision of her juvenile court law in order to fully protect its children.

Montgomery County.

Montgomery county, assisted by members of the Child Welfare Department, secured the enactment of a special juvenile court act in 1920. The staff is entirely inadequate. Real probation work is, therefore, impossible.

Jefferson County.

Jefferson county secured the enactment of a new juvenile court bill in 1919 and maintains one of the best juvenile courts in the South. The County Board of Revenue and the City Commissioners of Birmingham make generous appropriations in support of its activities.

Other Counties.

No other counties have full-time probation officers. The counties visited have so far declared themselves unable to appropriate funds necessary to the employment of probation officers and other necessary expenses of the court.

The department has lent itself to the service of the courts in all matters relating to children. A case in point: The judge of a county wrote for blank forms (and directions) for committing a lad to the State Training School for Boys. His request was answered in person. Investigation showed that the child was not delinquent—only neglected and therefore in need of a different type of care.

At best, the State Training Schools can scarcely receive the number of boys and girls actually in need of the care and training which these schools

are prepared to give. The department discourages the commitment of other than delinquents to these institutions.

In 1919-20 workers of the department visited 26 counties in the interest of children; in 1920-21, 24 counties; in 1921-22, 38. In some of the counties where we have not been able to go there has been correspondence concerning children's cases and fine co-operation from the judges.

In 1921-22 blank forms for reporting by judges to the department children's cases and cases of desertion and non-support were furnished the judges. No effort was spared to secure complete reports, but only 27 judges reported regularly, as prescribed by law; 20 reported in part; 10 not at all.

The following table shows numbers and classifications reported:

1921-22	
Dependent and neglected.....	854
Delinquent	2,160
Unclassified	18
Adoptions	193
Apprenticeships	4
Adults contributing to dependency, neglect, and delinquency.....	152
Non-support	702

(One county reports 11 apprenticeships in three years.)

The department feels keenly the need of amendments to the juvenile court law of the State (suggestions attached hereto). Possibly the most outstanding need is the repeal of the provision regarding advisory boards and the enactment of a clause providing child welfare boards in each county with authority to promote and develop the court and other agencies for child welfare.

Children's Aid Division.

The work of this division is in reality an extension of the juvenile court division. As has been shown, the Child Welfare Department sponsored the work of the Alabama Children's Aid Society (the only home-finding agency in the State) three years, and finally took over its entire activities. It may clearly be seen that response to a county's call for assistance in a child's problem necessitates interviews with the juvenile judge and commitments by him of those children accepted by the society. (Unlike juvenile court laws in some other states, Alabama's law provides that dependent and neglected children as well as delinquents may be declared wards of the State.)

During a period of 18 months including the year 1920, the Children's Aid Society received (and assisted) 848 children from 46 counties, placing 101 in foster homes. In 1921 the society received 944 children from 51 counties, placing 177 in foster homes. In 1922 (to October 1) the society had placed 150 children.

The Children's Aid Society has spent on an average \$65 per child per year (exclusive of salaries of workers). In the language of the former superintendent.

"The broad social and moral values behind this service to the State we cannot compute. Some conception of the broad sweep of these activities can be had, however, by viewing its negative aspect. Over 2,000 children have been kept out of the institutions of the State. This represents a saving of approximately a half million dollars in actual monies. On the other hand, these 2,000 children have been directed through the normal channels of family life to the threshold of useful and successful citizenship."

In addition to the children served by the Children's Aid Society during the last fiscal year, the department has been called to the relief of 43 children in almshouses, of 143 children of 37 State convicts, of 389 children of miscellaneous classifications, and of 42 maternity cases. The condition of

64 other adults was investigated and in most cases, as children were involved, plans for relief were worked out or discovered.

The ultimate aim and purpose of the Child Caring Division and of the whole department is not that its services be merely remedial or palliative, but rather that of mending weak or broken homes and finally raising the standard of family life.

RECOMMENDATIONS FOR LEGISLATURE

The law establishing the Child Welfare Department has received condemnation from social workers, educators, and other prominent men and women in quite a number of the states of the Union. We are proud of the legislation of 1919, however, three years of experience of administering this law have made evident the necessity for certain amendments in order to achieve the purpose contemplated in the original Act.

It is commonly agreed by those who have given attention to the situation in Alabama that the State-controlled institutions for dependent and delinquent children should be under the supervision of the State Child Welfare Department upon the same terms as the private institutions in the State. We likewise feel that the State institutions for blind and deaf children (and for crippled, epileptic, and mentally inferior children, when such institutions shall have been established) should be under the supervision of this department, as in South Carolina, with the understanding that the educational work of these institutions be under the direction of the State Department of Education.

It is the custom of the department to issue permits to institutions for a period of one year only. It would probably be advisable to have the law state that a permit is to be issued for a period of not more than one year.

Protection could be afforded a larger number of children if the law would clearly define the terms "maternity hospital," "lying-in homes," and "boarding home for children," and would define the functions of such institutions and the conditions to be met before a permit could be granted to them.

The law should be so amended as to confer upon the Child Welfare Department in specific terms, the authority to accept legal guardianship of children.

The department should also be authorized to develop a bureau of probation and parole which would have supervision of all probation and parole officers in the State and which would assist in the development of juvenile courts. The chief of this bureau should be constituted chief probation officer for the State and he and his assistants should be given all the powers of a probation officer in any county in the State.

The department should be authorized to develop a bureau of child study and to establish and co-operate with clinics for the psychological study of dependent, neglected and delinquent children.

At present anybody, fit or unfit, can adopt a child by going before the probate judge and going through certain formal procedure. The law should be so amended as to prevent any probate judge from issuing a decree of adoption of any child until the Child Welfare Department, through its regularly constituted machinery, shall have signified its approval of the home applying for the child, also, its approval of the child as being a proper subject for adoption into a family home. The department should be required to make investigations in such matters, either through one of its own employees or through some other agency or worker who has a permit or certificate from the department, within thirty days after receiving the request from the probate judge.

Confusion, duplication and misunderstanding could be avoided by conferring upon the Child Welfare Department authority to pass upon appli-

cations for charters of all institutions subject to permits at the time such applications are filed with the Secretary of State.

In order to maintain the unity and efficiency of child welfare administration, juvenile courts should be forbidden to commit any child to any private institution which does not hold a permit from the Child Welfare Department.

Because the law does not make it a misdemeanor for persons or institutions not holding permits for homes for children nor put any limitation upon the bringing of children into the State for purposes of adoption or permanent custody, numbers of children from other states have been taken into Alabama homes where they are not subject to any supervision by the Child Welfare Department and where they are not under the jurisdiction of any court. It is easier to disapprove a home as a place for a child than it is to establish in court the unfitness of that home. The consequence is that some children have in this manner been placed into some homes that are decidedly unfit. The law should be amended in this respect.

Because no act prevents it, any person or organization can, without holding a permit from the department or even without operating an institution, solicit funds for the maintenance of the real or fictitious work of such person or organization. This should be prohibited by providing that no person or organization not holding a permit from the department can solicit money for child care.

In line with this last suggestion, the department should have the duty of certificating all probation officers of the juvenile courts of the State and no court should be allowed to employ a probation officer who is not certificated,—provided that the department may issue temporary certificates for definitely stated periods, and provided, further, that this provision shall not apply to probation officers who are actually employed at the time of the passage of this enactment.

The department should be charged with the authority and duty of supplying courts with lists of approved applicants for the position of probation officer and of supplying the State institutions for delinquents with lists of approved applicants for the position of parole officer. It should also be the duty of the department to furnish to the courts uniform, model blank records for the use of probation officers both in court procedure and for making monthly reports to the department.

The department should be required to file with the Governor and the Secretary of State, each, a formal report covering the quadrennium closing with the fiscal year next preceding the regular session of the Legislature.

A larger appropriation for the department should be made.

The juvenile court laws applying to 66 of the counties of the State are laws that are enforceable and that go far toward the protection of children. The local law applying to Mobile county is very weak in many respects. This law and those applying to Jefferson and Montgomery counties should be repealed by a general law applying alike to every county in the State, except that provision should be made, on the basis of population, for more intensive and extensive organization in the larger counties.

In this general juvenile court bill we would like to see it provided:

That the juvenile court be given jurisdiction in matters of children who are employed in violation of the child labor law or not in attendance at school as required by the compulsory education law.

That the number of probation officers for any juvenile court be determined by the judge of the court and his advisory board (or the county child welfare board, if established).

That the law instead of providing a rigid salary for probation officers in any court allow some range of discretion to the judge and the advisory board (or the county child welfare board, if established).

That the right of transfer from the juvenile to criminal courts be restricted to children charged with crimes which, in cases of adults, will be punishable by death or life imprisonment.

That jurisdiction of children may be transferred from one juvenile court to another within the State. (If possible, it would be advantageous to arrange a similar transfer with courts in other states.)

The temporary detention in private homes, when approved by the judge of the juvenile court, shall be a valid charge against the county.

That jurisdiction of any child shall pass from the court to the State institutions for delinquents upon commitment and delivery of such child.

That State institutions for delinquents shall not release any juvenile ward without first securing the approval of the court which made the commitment, provided that this restriction shall in no wise limit the authority of the Governor.

That probation officers shall be reimbursed for reasonable actual expenses incurred in making services and investigations and in transporting and caring for court wards when such accounts are approved by the judge of the court.

That the expenses incurred by the juvenile court or its officers in the discharge of duty shall be made preferred claims against the county.

That when the judge shall certify the necessity the county board of revenue or the court of county commissioners shall provide typewriters and office supplies as well as equipment.

That dockets for juvenile cases shall be kept separate from dockets for cases of non-support and desertion and cases of contributing to the delinquency, neglect, and dependency of a child. (This prevents the recording of the name of the juvenile in the same book with an adult criminal.)

That referees may be appointed by the court—women to hear girls' cases—at the discretion of the court.

That no girl's case may be heard in court unless a woman of good character be present in the capacity of friend to the girl.

That girls shall be accompanied by a woman when being transported by order of the court except that male officers, who are certified by the Child Welfare Department, may transport such girls.

That no person in this State other than parents or near relatives may assume the permanent custody, care or control of a child under sixteen years of age, unless authorized to do so by an order or decree of a juvenile court of chancery jurisdiction in this State.

That some form of examination and certification be devised for probation officers and candidates for probation officerships.

That the clerk of the juvenile court be authorized to sign all court papers except those partaking of the nature of judicial action.

That the judge be authorized to appoint any probation officer clerk and any other probation officers deputy clerks of the court.

That wherever possible such children as are committed by the court to family homes shall be placed with families of the same race and faith.

That only the court may commit a child to an institution at the public charge.

That in the catalogue of acts constituting a child a delinquent, there be included "incurability" and violation of Federal laws.

That no one shall have access to the juvenile court records of any child except by permission of the judge.

That when ordered by the court expenses incurred in medical and mental examination and treatment shall be a valid charge against the county.

That volunteer probation officers shall work under the direction of the chief probation officer of the court."

INSANE HOSPITALS

The State of Alabama, actuated by a spirit of Christian philanthropy, erected and acquired many years ago and is now maintaining two hospitals for the insane—one for white and one for colored patients. These institutions are accomplishing great results but one of them is full beyond its capacity. Patients can not be received except as vacancies occur by the removal of those now there. Since applications far exceed the vacancies it follows that there is a constantly increasing number of insane persons scattered over the State who can not be cared for with present facilities. While some relief will soon come from the use of buildings now under construction, which were authorized by the Legislature, it will be but temporary.

I feel it is incumbent upon me to urge upon you to do everything necessary to ameliorate the pitiable condition of these unfortunates and especially everything that can possibly be done for their recovery.

In my judgment, an appropriation of \$500,000 for building and repairs, available during the ensuing four years, will be required to meet the needs of the institution and I recommend accordingly. I refer to the report of the Board of Control and Economy for a statement of the building and repairs during the present quadrennium.

An Act of the Legislature approved February 12, 1919, increased the appropriation for maintenance of the inmates of the insane hospitals from \$3.50 to \$5.00 per inmate per week, with the following provision: "Provided, however, that if at any time it shall appear in the opinion of the Board of Control and Economy that the needs of indigent and criminal inmates will be thereby met and adequately provided for, the Governor shall be and is hereby authorized to reduce said weekly payment and fix the same at not less than \$3.50."

On July 11, 1922, the Board made such representation to me and I accordingly reduced and fixed the allowance at \$3.50 per week. That amount appears to be adequate at this time, but if future conditions should warrant an increase the Governor has authority to grant it.

INSTITUTION FOR FEEBLE-MINDED

The Legislature of 1919, responding to my earnest appeal to the conscience of its members, recognized the sacred duty of the State toward the feeble-minded members of her citizenship and made a start toward the relief of those unfortunates. An appropriation of \$200,000 for the building of a home for mental inferiors was granted. That amount has been used for the purchase of a magnificent site, comprised of 118 acres adjoining the prop-

erty of the Bryce Hospital, and the building of a dormitory, dining room, kitchen and power house. No provision, however, was made for the maintenance of the institution. I recommend that an appropriation of \$5.00 per capita for the inmates be voted, with the proviso that in the event it be found from experience that a smaller sum is adequate for the said purpose the Governor be authorized to reduce and fix the amount according to his judgment. I further recommend that an appropriation of \$200,000 be provided for the building of additional dormitories.

The State owes a sacred duty to the inmates of this institution. That duty should be discharged according to the standards of the most enlightened civilization and no monetary consideration should be allowed to block the way.

STATE TRAINING SCHOOL FOR GIRLS

On my first trip of inspection to the eleemosynary institutions I discovered that the conditions at this school located at Matsuyama, fourteen miles from Birmingham, were far from satisfactory and that its functions were seriously handicapped by its location and the character of buildings, which were wholly unsuited to the use of such an institution.

By an Act approved September 30, 1919, the sum of \$50,000 was appropriated for the purpose of erecting new buildings. This amount was not expended because it was deemed unwise to place additional buildings on the unsuitable property. On October 5, 1920, authority was given for the re-location of the school. On October 14, 1921, the main building at Matsuyama was burned. The State collected \$25,000 insurance. By an Act approved October 27, 1921, the Legislature authorized an additional appropriation of \$75,000 for building purposes. This sum brought the building fund, including insurance money, up to \$150,000. On July 30, 1921, the Board of Control and Economy purchased a tract of land consisting of 22 acres situated a mile southeast of the fair grounds in Jefferson county, and at once set about constructing a new plant for the school. Four cottages to accommodate about thirty girls each, a school building, a hospital, laundry, power house and dairy barn have been built at a cost of \$140,000, including the purchase price of the land. Each cottage has its own kitchen and dining room with such equipment to make it a complete unit of the institution.

The hospital is designed to accommodate twelve patients. It has an operating room, a treatment room and a dental room, all fully equipped; also an apartment for the nurses. The physical condition of the girls when they come to the school suggested the absolute necessity for the services of a physician and a nurse.

Accordingly, a trained nurse has been placed in charge and the services of a physician have been engaged.

The school house is designed to accommodate a population of 300 girls and is equipped with all necessary modern conveniences. The cottages are all full to their capacity. More are needed. I recommend that an appropriation of \$40,000 be made for the immediate construction of two additional cottages and that a further appropriation of \$40,000 be made for two others, to be available one year later.

The buildings erected have been placed with a view of eventually adding eight more cottages without disturbing the harmony of the present buildings as to distance or relation one to the other. A complete sewerage system has been built. We have city water, electric lights and telephone service.

The girls were removed from Matsuyama about the middle of August, 1922. The morale of the school has greatly improved since moving into the new buildings and I confidently expect greater and greater benefits to accrue.

By Act approved September 30, 1919, the appropriation for maintenance was increased from \$150 per annum to \$300.00 per annum per capita, which is adequate but not a penny too much.

ALABAMA BOYS INDUSTRIAL SCHOOL, EAST LAKE

The Legislature of 1915 responded promptly and liberally to my appeal for support of this institution, both for building operations and for maintenance purposes. Appropriations for buildings and equipment totaled \$125,000, and the per capita allowance for maintenance was increased from \$150.00 to \$240.00 per year, and an appropriation of \$26,000 was made to pay accumulated debts.

The following excerpt from the report of the Board of Control and Economy will show the extent of improvements made in the physical plant and in the administration of the affairs of the school. A great work is being done at the Boys Industrial School. The vision and hopes of the good women who established the institution are being realized, but there is much to be done before the school is developed to the point where it can accomplish its full mission. Another dormitory similar to the one recently constructed should be built at once. A vocational building and a hospital building and equipment should follow. The dairy barn of which the first unit is now nearing completion should be finished and the acreage for farming purposes should be materially increased. For these purposes I recommend an appropriation of \$200,000. Monetary considerations should not count against the saving of hundreds and in time thousands of boys from lives of shame and crime and making of them useful citizens of the State.

I hope, gentlemen, you will put this matter close to your hearts and vote for the boys. The excerpt follows:

"At this institution the Board found the buildings in which the boys were housed inadequate, badly in need of repairs and in an unsanitary condition. It was evident that the farm and garden should have the attention of an expert and that the quality of the live stock should be improved. The institution was running with a deficit and it was impossible to make the necessary repairs without legislative assistance, which was secured in an Act of the Legislature approved September 30, 1919, increasing per capita amount of maintenance from \$150 to \$200 per annum; and an additional relief was granted by the Special Session of the Legislature of 1920 by an Act increasing maintenance allowance to \$240 per capita per annum, and providing an appropriation for paying accumulated deficit.

Section 2 of an Act of the Legislature approved September 30, 1919, appropriated for the fiscal year beginning October 1, 1920, the sum of \$50,000 for the purchase of land and the erection and equipment of buildings, and a like sum was appropriated for the fiscal year beginning October 1, 1921.

Miss Ann R. Davis, of Prison Inspection Department, was sent to the school to take charge of the kitchen and dining room, to suggest such changes as were found necessary to properly feed and clothe the boys of the school, and to improve general sanitary and dietary conditions there, with the result that the dining room was moved from the basement to the first floor of the Alabama building, which was thoroughly renovated; a modern bakery and new kitchen equipment was installed to meet the needs of the institution. The dining room was overhauled and made attractive, was equipped with new dishes, knives, forks and other utensils necessary for the comfortable and orderly serving of meals to the boys. The dormitories were renovated throughout, repainted and fire escapes installed at each of the three dormitories, and the premises cleaned up and put in good condition. The dairy herd has been improved until we now have one of the best herds for its size in the State. At the State Fair in Birmingham this year we won prizes on our milch cows and for the best calf. The boys are being fed from the products of the dairy, daily. Our live stock has been improved by the purchase of pure bred boars and brood sows. The farm and garden have been improved to where they are now getting a splendid production, resulting in not only feeding the boys better, but in great savings by producing vegetables and farm and garden produce for the consumption of the boys that had heretofore been purchased, if used.

These improvements are both economical to the State and educational to the boys. These departments have had the careful attention of the Board of Control and Economy, and we are now getting the hearty co-operation of the board of managers and the officials in charge of the school.

HOSPITAL

The school did not employ a trained nurse nor did it have hospital equipment. However, under provision of an Act approved September 28, 1920, \$5,000 was appropriated annually for employing a physician and assistants and nurses to provide necessary medical and surgical supplies and appliances for the inmates of the Alabama Boys Industrial School, State Training School for Girls and the Alabama Vocational School for Girls, beginning October 1, 1920. Accordingly we employed a trained nurse. This department has made the greatest progress of any department in the school. The reports of this department show the following results of their activities since its establishment in October, 1920:

From October 1st, 1920 to September 30th, 1922

Total number of boys admitted to hospital.....	1,344
Total number of days spent in hospital.....	6,892
Number of surgical cases admitted.....	560
Number of medical cases admitted.....	784
Number of pneumonia cases.....	18
Number of influenza cases.....	95
Number of cases of measles.....	44
Number of cerebro spinal meningitis.....	1
Number of erysipelas cases.....	1
Number of surgical operations performed at this hospital.....	327
Number of surgical operations performed for boys at other hospitals.....	5
Tonsils and adenoid operations.....	192
Circumcisions.....	90
Appendectomies.....	2
Orthopedic operations.....	2
Number of eye examinations (refractions).....	54
Number of boys furnished eyeglasses.....	45
Number of boys given typhoid prophylaxis.....	522
Number of boys vaccinated against smallpox.....	643
Number of fractures reduced.....	10
Number of boys given tetanus antitoxin.....	19
Number of boys examined for hookworm.....	256
Total number of boys attended by visiting dental surgeons, not including examinations.....	495
Number of extraction cases.....	258
Number teeth extracted.....	472
Number of boys had teeth filled.....	209
Number of cavities filled.....	904
Number of dental X-Ray examinations.....	30
Number of boys given dental prophylaxis (scaling and cleaning teeth).....	245
Total number of deaths.....	2
1 death in 1921 due to tuberculosis.	
1 death in 1922 due to osteomyelitis, of tubercular origin.	

Many of the most prominent physicians and specialists operated on the boys for their various ailments without cost to the State. Their co-operation is indeed commendable and the beneficial results to the boys can hardly be expressed in dollars and cents. However, it is estimated that the State would have had to pay out \$25,000.00 in fees to doctors, surgeons and dentists during this time, had it been required to pay for the work done at the hospital and the services so kindly rendered by the physicians and specialists.

The general health of the boys at the school has improved very greatly as a result of this treatment, the morale is better and their school work is better than before the establishment of this department.

HEATING PLANT

The heating plant at the Alabama Boys Industrial School had become almost useless because of its run-down condition. It was repaired and put in first class condition at a cost of \$5,214.58.

NEW BUILDINGS

We have constructed a two-story practically fire-proof dormitory to accommodate one hundred boys at a cost of \$42,057.88; a gymnasium of fire-proof construction to cost \$19,066.87, and a concrete swimming pool 40 feet by 85 feet at a cost of \$2,936.93. The equipment for dormitory and gymna-

sium has been made largely by the boys in their machine shop and wood-working shop. Plans have been drawn for a dairy barn at the school and construction work is well under way. This will require the balance of appropriation of \$100,000 above referred to.

TOOLS AND EQUIPMENT

Under provision of an Act approved September 28, 1920, and to be found on page 8 of the General Acts of the Special Session of 1920, an appropriation of \$25,000 was made for the purpose of furnishing tools and equipment. From this appropriation tools and equipment for the laundry, printing shop, shoe shop, machine shop, wood-working shop, and tailor shop were purchased and have been installed. These shops are all doing splendid work.

In the printing shop we purchased a linotype machine from Mergenthaler & Company, a linotype company of New York, for \$4,158.94, and they loaned us for an indefinite period another smaller machine. This department is doing excellent work. They print an institutional bulletin or magazine weekly, and have done some work for charitable organizations. The boys take great interest in the work and improve rapidly in efficiency. We will doubtless turn out some good linotype men who will command good wages in the commercial world.

The wood-working shop has shown especially good results. They have made 125 dressers and chairs for use by the State Training School for Girls, and practically all of the furniture for the new dormitory at the boys' school except the beds.

The machine shop interests the boys very greatly. They have repaired pumps for use on the premises, rebuilt an old Ford car and a truck that had become useless has been successfully repaired by them in this department.

In the shoe shop they are doing all of the repair work for the entire school, and are now making shoes so that before a great while they will make all of their own shoes and shoes for other institutions in the State.

In the tailor shop they do all of their mending, and make many garments.

In the laundry they are doing excellent work, laundering all of their own clothing, also the kitchen, dining room and bed linens.

The boys in these shops are learning useful vocations and their labor will be in great demand by the commercial world when they are released from this school.

SCHOOL OF LETTERS

The School of Letters is making a splendid showing. The improvement in the student body and in their work is noticeable during the past few months.

THE ALABAMA BOYS INDUSTRIAL BAND

The band at this school has made great progress and their work and efficiency is noticed and commented on by the public.

CHAPEL

Mrs. T. G. Bush, of Birmingham, Alabama, has donated to the school a chapel to accommodate approximately 400 people, which is now under construction, and will soon be completed. This is a brick building, practically fire-proof, and modern in all respects. It will cost about \$19,000.00.

ORCHARD

Some fruit and pecan trees have been put out and will soon be bearing fruit. The school has not sufficient acreage to spare for a large orchard, however, so their operations will necessarily be limited in this line.

SUMMARY

The institution is out of debt and living within its income. They are now discounting their bills, thereby saving a considerable sum of money each year. This achievement is made possible to a great extent by the increased productions of farm, garden and dairy. In the stimulation of production of these commodities, the ambition of the boys to excel in their production is encouraged, so that it has not only a commercial, but also an educational, value resulting in good both to the State and to the boys.

REFORM SCHOOL FOR JUVENILE NEGRO LAW BREAKERS, MOUNT MEIGS, ALABAMA

From report of Board of Control and Economy:

"The reports on surveys made of this institution and inspections by the Board revealed the fact that it was operating under great difficulties.

This school was created and established by an Act of the Legislature approved April 24, 1911, which appropriated for its maintenance \$1.75 per week per capita, which equaled \$91.00 per annum. Before price inflation resulting from conditions brought on by the world war, they probably staggered along, with this appropriation, but at the time the Board of Control took charge of it, the institution was found to be very much in debt and with poor credit, the equipment worn out and run down, the buildings in poor repair and sanitary conditions bad. The morale at the school was low.

A general clean-up campaign was put on and such improvements as the Board was able to finance, was immediately made.

By an Act of the Legislature approved September 30, 1919, the appropriation for maintenance at this school was increased to \$10.00 per month or \$120.00 per annum. The Board invited the co-operation of the Tuskegee Normal and Industrial Institute, and a meeting was arranged at the school between the management of that institute and the Board in June, 1920, at which time they promised the co-operation asked for and have aided us somewhat in our work. Improvements were made in the farm and garden department, resulting in an increased production from that source. More land has been put into cultivation, proper fertilizer used, and improved methods of farming employed.

The buildings have been renovated, screened, and such improvements made as were possible with the equipment at hand.

The class of boys sent to this school makes the work intended to be done by it very difficult. However, progress has been made, and the school has great possibilities if very close supervision is exercised by the State over it.

By hard work and practicing close economy we have accumulated a surplus in our maintenance fund, with which together with other funds promised us, we are building a much needed dormitory, a duplicate of the old one, and a school building and are installing a sewerage system. The school building modern in design and construction, will be equipped with all modern conveniences. Provision has been made in the new dormitory for water closets and bathing facilities. The water supply provided is ample for the present. The sand and gravel used in the construction of these buildings and sewerage system is taken from the property of the school by the boys, and they are doing all of the common labor in connection with the construction work. As a result this work will be done at a minimum expenditure of

money. When it is completed the school for the first time in its history will have a school house, sleeping quarters and sewerage system, ample for its present needs.

The dairy herd has been built up to a point where sufficient milk is produced to serve the boys milk at one meal each day. The grade of hogs has been improved by introducing registered boars and an improved grade of brood sows.

For the last two years we have produced all of the corn required to feed the stock on the place and furnish corn meal to the inmates. Field peas, sweet potatoes, vegetables and molasses have been produced in quantities to very materially reduce the cash cost of maintenance. The school is operating within its income and discounting its bills."

With the present policies of the Board of Trustees, under the presidency of Judge Wm. H. Thomas, continued in co-operation with the Board of Control and Economy, this school will soon be in excellent condition and will be in position to take from the streets of our cities and towns hundreds and in time thousands of embryonic criminals of the colored race and make them into self-supporting, useful citizens. This institution should have an appropriation of \$25,000 for the purpose of providing a shop for vocational training and a hospital, and I so recommend.

REFORM SCHOOL FOR NEGRO GIRLS

We have training schools for white boys and girls and a reform school for negro boys, but no provision has been made for the reformation of negro girls. There is no place for the negro girl law-breaker except the penitentiary, and the county and city jails. Hundreds of negro girls might be reclaimed and their status changed from liabilities to assets by the establishment of an institution similar to the training school for white girls.

I recommend that a start be made by the appropriation of \$50,000 to be used by the Board of Control and Economy for the purpose of acquiring property and erecting suitable buildings for the purpose, and that a maintenance fund be provided. With such an institution established, the State will have made proper provision for the care of all classes of its delinquents.

AGRICULTURE

Progress has been made in the farming industry. The live stock and dairy industries are steadily advancing. Through the Farm Bureau and the policy of co-operative marketing the farmer is rapidly learning to finance his business to advantage, market his crops systematically and thereby receive full value for them. The boll weevil continues his ravages while the spread of the pink boll worm is a serious menace.

On November 4th, there was held at Memphis, Tennessee, a meeting of the Cotton States Commission at which special at-

tention was given to these pests. I am informed by one of the Alabama delegates that the conference was one of thoughtful and careful study of these problems and that its action was thoroughly businesslike. There was no discussion of cotton prices, cotton acreage, price fixing, suggestions of holding and such things as usually characterize such conventions, all such matters being left to growers and their individual and collective effort. The resolutions of the commission are, in my judgment, worthy of your earnest study and are presented below:

"(1) That in view of the possible infestation in the future of new areas by the pink boll worm, and of the necessity for immediate and drastic action in the event of such a contingency, we recommend that all of the cotton producing states, which have not already done so, adopt adequate laws for preventing the spread of such insect pest. That for this purpose we recommend the adoption of uniform laws in substantially the same form as the pink boll worm laws now in effect in the states of Texas and Louisiana.

(2) It appears from information available that the supply of calcium arsenate recommended by the United States Department of Agriculture in connection with methods of boll weevil control is very limited and the price liable to be so high as to render the general use impossible. It is recommended, therefore, that the ad interim committee to be appointed by this conference be directed to use its best efforts to co-operate with the United States Department of Agriculture in finding ways and means of obtaining an adequate supply of said arsenate at reasonable prices in order that the same may be available for use by the cotton producers during the coming year. We also recommend that action be taken by way of uniform laws or other statutory regulations (where no such laws or regulations now exist) for the purpose of co-operating with the Federal government in safeguarding the quality of calcium arsenate and other insecticides by inspection, analysis, or otherwise. In this connection we commend the laws relating to these subjects recently adopted by the State of Alabama. We warn cotton growers against a too great dependence upon the use of calcium arsenate or upon any other single means of meeting the effects of weevil damage, and would advise the careful study of the experiments of sections of the cotton belt which have been fighting the pest for many years. That cotton is being successfully grown in so many areas in spite of the weevil, and only by the use of cultural methods and better seed, should encourage the more recently infested territories to continue the fight regardless of the ability of the growers in such territory to secure or to use boll weevil poison.

(3) We commend and endorse the research work of the Bureau of Entomology of the United States Department of Agriculture in connection with boll weevil control, but we are convinced that the appropriation heretofore granted by the Congress, amounting to about \$165,000 annually, is wholly insufficient to provide for the prosecution of such research work in as comprehensive a manner as the magnitude and seriousness of the problem demand. In order that the said research work may be conducted in the future on a more comprehensive and intensive scale, to meet the existing needs, we recommend that the governments of the cotton-growing states seriously consider taking immediate steps to establish a research laboratory at the experiment stations now maintained in connection with the agricultural colleges in said states, for the purpose of supplementing the work now being carried on by the central laboratory of the Department of Agriculture at Tallulah, La. We further recommend that the Federal government be urged to greatly increase the appropriations for research work in connection with

the boll weevil, in the hope that by increasing the number of experts, as well as the facilities devoted to said work, a specific remedy may be found to either eradicate entirely or effectually control the boll weevil in the near future.

(4) We recommend that an ad interim committee, consisting of the commissioners heretofore appointed by the respective states in this conference, be appointed to carry on the work of the cotton states commission, including the work outlined in the above resolutions, until the states concerned have had an opportunity to adopt the statutory plan of co-operation recommended by this conference."

COMMISSION OF CONSERVATION—FISH, GAME, FORESTRY

Below are suggestions of the Commissioner of Conservation for the improvement of conservation laws, which I commend to your consideration:

"1. Salaried Wardens. It is utterly impossible to secure a proper enforcement of and respect for the conservation statutes of the State under the present warden system. Every state in the Union that is doing real constructive work in the protection, conservation and propagation of the wild life of field, forest and stream has abolished the fee system, and substituted therefor the salary system, maintaining a sufficient number of wardens to secure a proper enforcement of the laws.

The lack of respect for the game and fish laws in Alabama is due most largely to the inability of the Commissioner of Conservation to secure efficient men to act as County Game and Fish Wardens, or Special Agents.

By way of comparison, I shall direct your attention to the fact that in the state of Louisiana it was estimated that during the season of 1920-21 there were approximately 80,000 guns. Under the salaried warden system the commissioner was able to secure highly efficient men who were active. The result was that during that year \$103,000 were placed to the credit of the game and fish protection fund through the sale of hunters' licenses.

In Alabama, for the same period and with approximately the same number of guns, only 15,456 hunters' licenses were sold, placing to the credit of the game and fish protection fund, after deducting commissions allowed probate judges, approximately \$25,000.

Under the Louisiana system, as is common in all states where constructive work is being done and desired ends accomplished, the increase in the sale of hunters' licenses far more than pays the salary and expenses of the wardens.

Under the Alabama system only about 20% of the people who hunt secure a hunter's license.

2. Hunter's Licenses. The county hunters' licenses should be abolished. Almost every gunner, living at or near a county line and many who live remote distances, secure a county license and use it hunting in a neighboring county. A uniform hunter's license is more desirable and will bring greater revenues to the department.

3. Conforming to Federal Statutes. All State laws relating to migratory fowl should be changed to comply with the Federal Migratory Bird Treaty Act and the regulations thereunder.

4. A hunter's license represents a special license tax paid by the sportsman for the protection and conservation of the State's natural resources. I believe that after deducting from the game and fish protection fund the expenses which the State government is put to in maintaining the Department of Conservation, the remainder should be spent back into the State in the proper development of the State's natural resources.

If the State is to fall in line with the other states in forestry work and the control of forest fires, a portion of the money arising from the sale of hunters' licenses, supplemented by funds arising through a severance license tax on timber or other moneys obtained as revenue from the lumber industry, should be used in putting over a big constructive program in the State for the perpetuation of our forests and the conservation of the State's other natural resources.

5. **Fish Pond Culture Stations.** Our streams have become very largely depleted of fish. Practically every state in the Union except Alabama supports from one to twenty-five fish hatcheries, or pond cultural stations. The conservation conference with one hundred of the State's representative citizens in Montgomery, on September 13th, passed a resolution unanimously recommending that the Legislature appropriate \$25,000 of the \$108,000, now in the treasury to the credit of the game and fish protection fund, for the construction of pond cultural stations in the State for the purpose of rearing game-food fish to be transported to the public streams of the State.

6. In almost every instance the penalty for violation of the conservation statutes is not sufficiently severe to deter many indifferent people from violating certain provisions thereof. In addition to a fine, a hard labor sentence should be imposed on the person who would dynamite or poison a stream for fish.

Only now and then do I come in contact with citizens of the State, aside from the lumbermen themselves, who have given much thought to the very serious problem of a near lumber famine in the State of Alabama. Many of those engaged in the lumber industry, in which industry is involved their entire capital, have never given serious consideration to the question of the future supply of timber.

Forestry in Alabama, as in many other states, has furnished one of the basic industries of the State, and therefore involves an economic problem that we as citizens of the State can no longer afford to overlook.

In 1910, Alabama ranked first among the Southern States in the production of lumber, and Mobile claimed the distinction of first place among the ports of the world in the lumber export trade. In 1920, Alabama had dropped to third place among the Southern States in the production of lumber, and Mobile had descended from first to sixth in the lumber export trade.

We are today cutting our timber more than four times as fast as we are producing it. Only ten per cent of what is now being cut is original growth, the other ninety per cent being second growth and of inferior grade.

In 1910, the estimate indicated that Alabama had thirty-eight billion feet of standing long-leaf pine. The estimate of 1919 showed approximately twenty-five billion feet, or a reduction during that decade of thirteen billion feet of pine timber alone.

In 1919, there were six hundred and thirty saw mills in Alabama cutting pine timber. Of this number thirty had a ten year cut, or over. In 1922 we have approximately five hundred mills cutting pine timber, with a possible fifteen with a ten year cut, or over.

These figures sound appalling, and they are, but they are as nearly correct as the government estimates can make them.

I am reliably informed that the states of Georgia and Texas are today importing more lumber for domestic purposes than they are exporting. At the present rapid rate, Alabama will be doing the same thing within a few years.

The number of people whose livelihood depends, directly or indirectly, upon our forests is very large. The place of forest products in sustaining the present industrial structure of the State is of great importance.

Between fifty per cent and sixty per cent of the State is classed as forest land. We have then a land problem, a question of how half of the State is to be utilized in the future. The problem of Alabama is to make the for-

est lands of the highest service in building up the State on a permanent basis. We have approximately six million acres of cut-over land in the State with less than fifty per cent of it suitable to profitable agriculture. The remainder is practically worthless except for growing timber.

The lumberman claims that the present assessed valuation of these cut-over lands will not permit re-forestation because they would be forced to pay taxes on them for a long period of years before they could get any returns, and by that time the taxes would have eaten up all the profit.

In the state of Louisiana there is in operation a severance license tax on lumber and other natural resources. Out of this severance license tax revenues are obtained to run a division of forestry in the department of conservation.

A nominal tax value is put on non-agricultural cut-over areas, which enables the Commissioner of Conservation to enter into a contract with the landowner, under the direction of a trained State forester, to reforest these cut-over lands. The reduced tax income to the State on areas under contract is made up through the severance license tax. In some of the other states the division of forestry is operated upon revenue secured from an occupation tax.

The Legislature of Alabama in 1907 passed a forestry bill which was approved by Governor Comer, but later it was declared unconstitutional.

Annual forest fires destroy hundreds of thousands of dollars worth of young growth that would in the years to come prove a valuable asset to the State. One of the principal features of a forestry program should be the inauguration of a fire patrol system to prevent forest fires. When Alabama shall have taken proper steps through the enactment of legislation creating the proper machinery for fire control and the establishment of a constructive program in forestry, the Federal government, through its Bureau of Forestry, will co-operate in a financial way in helping to perpetuate the forests of the State."

DEPARTMENT OF INSURANCE

Your attention is directed to the following excerpt from the report of the Commissioner of Insurance showing results of the operation of that very important department of the State. The able management of the department is highly commendable:

"Table I attached hereto is a statement of the income of the department, for the period above mentioned, from which you will observe that the income of the department shows a gradual increase up to the year 1922 when the total income falls below what it was for the year 1921. This is due to the fact that the business transacted by the insurance companies within the State reached the highest peak in the history of the department during the year 1920 and the premium tax on this volume of business is reflected in the 1921 report.

The period of deflation, following the high-water mark of business in 1920, was exceedingly disastrous to the insurance business. Not only did all companies suffer a serious shrinkage in premium income, but fire companies especially had a very material increase in losses paid. So serious were the losses to the business that eighteen companies which were doing business in the State in 1920 were forced to withdraw under various circumstances; thus decreasing to that extent the volume of insurance business transacted within the State during the year 1922.

Another matter which tends to bring the total income of the department for 1922 below what it was for 1921 is found in the fact that up to and

including the year 1920 this department, in collecting fire marshal tax, collected from each fire insurance company two-fifths of one per cent on the total gross premiums of such company regardless of whether or not the gross premium was derived from a fire risk or from other lines of coverage extended by such company. Under date of December 20, 1921, the Attorney-General's office, in a written opinion advised this department that where premiums collected by insurance companies for protection against fire losses are segregated from the premiums collected for protection against other causes of damage, the fire marshal tax should only be levied upon the amount of fire insurance premium. Consequently, while the fire marshal tax for the year 1921 was \$40,310.59 for the year 1922 it is only \$30,783.81.

Table II, hereto attached, shows expenditure from which you will observe that the expenditure of the department for 1921 is less than it was for 1920; while for the period covered during the year 1922 there is still a decrease.

The total income of the department for the period covered by this report is \$2,552,221.20. Expenditure for the same period is \$85,359.20. Net profit to the State, \$2,466,862.00.

Since all the expense of the department is paid out of the funds collected by the department from the insurance companies, and since the premiums charged the citizens of the State are lower with the Insurance Department functioning than they would be without such department, and since all funds collected by the department in excess of operating expenses go into the general fund of the State, it is evident that the department has, without one penny of cost to the taxpayers of the State either directly or indirectly, yielded to the taxpayers of the State a total net profit of \$2,466,862.00.

REAL USEFULNESS OF DEPARTMENT

It is impossible for the real usefulness of the department, or the actual value of the department to the citizens of the State, to find expression in any financial exhibit, or in a statement of income and disbursement. As illustrating in some way the wider field of usefulness of this department, I am calling attention to the fact that during the period of deflation following the year 1920, and which was so disastrous to many lines of business, as noted elsewhere in this statement, the withdrawal from the State of eighteen insurance concerns, not one policy holder of the State, so far as this department is advised, sustained the loss of a single dollar by reason of the crash in the business of insurance.

It is unfortunate that so many people seem to regard the Insurance Department as a mere collecting agency, or revenue producer. It is true that the department is one of the very best net revenue producers which the State has. It is equally true, however, that the savings to the citizens of the State, effected under the supervision of the insurance business in the State by the department, is many times greater than the amount of profit reflected in the financial statement, and no department of State so vitally touches the financial interest of every citizen in the State as does the Insurance Department, and in its work of supervision it is called upon to adjust thousands of matters involving the interests of the citizens of the State that find no expression in financial reports and no publicity through the press."

TABLE I—INCOME

	1918 12-31	1919 12-31	1920 12-31	1921 12-31	1922 9-30
Company license @ \$101.00.....	\$ 17,978.00	\$ 19,493.00	\$ 21,513.00	\$ 22,119.00	\$ 22,624.00
Company license @ \$51.00.....		357.00	561.00	561.00	510.00
Fraternal license @ \$51.00.....	2,346.00	2,295.00	2,295.00	2,295.00	2,295.00
Reciprocal license @ \$51.00.....	867.00	1,275.00	1,632.00	1,683.00	1,581.00
Agents license—Life @ \$5.00.....	7,555.00	9,890.00	14,200.00	13,050.00	12,970.00
Agents license—Fire @ \$5.00.....	21,535.00	23,490.00	28,350.00	30,250.00	30,060.00
Agents license—Miscellaneous @ \$5.00.....	9,635.00	11,555.00	10,690.00	10,660.00	10,170.00
Brokers license @ \$10.00.....			1,170.00	1,130.00	990.00
Premium tax—Life.....	143,147.41	153,631.45	222,334.15	280,423.73	268,631.43
Premium tax—Fire.....	73,375.51	88,787.49	109,472.05	126,366.88	107,324.44
Premium tax—Miscellaneous.....	40,674.93	65,017.52	39,983.09	63,448.74	53,070.56
Premium tax—Reciprocal.....	1,587.21	2,483.41	3,221.28	5,541.65	3,477.42
Premium tax—Mutual Aid.....	12,975.84	18,362.37	26,846.65	33,330.40	29,080.97
Admission deposits.....		9,000.00	12,500.00	6,500.00	6,000.00
Fire Marshal tax.....	10,972.35	13,552.92	33,946.05	40,946.45	30,783.81
Tax on unauthorized insurance.....	492.52	431.34	560.13	822.23	1,062.33
Back tax and license fees.....	9,728.75	5,317.25	1,687.21	336.00	258.00
Policy registration fees.....	618.75	903.75	1,015.50	601.00	549.25
Examination expenses collected (from companies examined).....	908.01	821.41	2,546.75	537.38	
Seals and copy.....	48.00	54.75	166.03	55.00	68.00
Collected for valuation of securities.....			32.00	35.00	20.00
Fee agent and place.....		50.00	2,040.00	210.00	120.00
Telephone (bill collections) and telegraph.....				70.22	1.25
Home Protective League (expense to Huntsville).....				28.55	
Entrance fees.....	6,000.00	4,500.00			
License fees collected—license not issued.....		203.00			
Transferred bank account June 30th.....		843.04			
Dividend on tax due from bankrupt companies.....		30.18			14.61
Witness fee.....	5.85				
Totals.....	\$360,451.13	\$432,344.88	\$536,761.89	\$641,001.23	\$581,662.07

TABLE II—EXPENDITURE

	1918 12-31	1919 12-31	1920 12-31	1921 12-31	1922 9-30
Salaries	\$ 5,958.30	\$ 6,149.91	\$ 7,638.24	\$ 7,396.75	\$ 6,075.00
Office supplies	1,187.75	433.85	3,285.37	1,535.66	1,117.74
Printing	1,077.10	1,486.56	2,193.94	3,687.76	1,300.72
Traveling expenses	654.19	185.09	133.29	201.00	83.86
Telephone and telegraph	59.51	101.76	54.62	230.08	52.46
Postage	440.00	400.00	475.00	450.00	312.95
National Convention of Insurance Commissioners		50.00	86.00	115.00	
Per diem charges and expenses of Actuaries	105.77	1,630.41	4,799.25	3,977.97	1,560.00
Fee special attorney		50.00			
Alabama Audit Company	542.84				
Certificates of refund				1,431.86	1,233.04
Miscellaneous	4.35	12.50	1,010.27	88.71	27.77
Salary Fire Marshal	2,000.00	1,499.94			
Expense of fire investigation	3,690.97	3,084.09			
Totals	\$ 19,720.78	\$ 15,084.11	\$ 19,675.98	\$ 19,114.79	\$ 11,763.54

ALABAMA NATIONAL GUARD

The history of the organization and operations of the new Alabama National Guard is contained in a report recently submitted by the Adjutant General, Colonel Hartley A. Moon, who has shown marked ability as an organizer.

I call particular attention to the record of field services performed by the Guard for the protection of the lives, property and rights of citizens of the State and for the relief of citizens in distress. The value of these services is incalculable and they deserve the highest commendation.

The following memorandum from headquarters of the Fourth Corps Area, United States Army, shows the progress of organization of the National Guard in the states comprising the Fourth Corps area and affords cause of congratulation and just pride in our State military establishment:

Strength, November 1, 1922

	Officers.	Enl. Men.	Aggre.
Alabama	161	2,670	2,831
Florida	93	1,645	1,738
Georgia	133	2,396	2,528
Louisiana	88	1,727	1,815
Mississippi	69	1,336	1,405
North Carolina	116	2,214	2,330
South Carolina	97	1,808	1,905
Tennessee	57	8,806	863
Total.....	813	14,602	15,415

The report of the Adjutant General follows:

"1. Because of lack of proper national laws and the adoption by the states of such specific measures, the entire National Guard of the United States, on being mustered out of the Federal service after the war with the Central European powers, reverted to a civilian status including both officers and enlisted men. This left the states with absolutely no National Guard. The State of Alabama did not have one National Guardsman with Federal recognition at the beginning of the year 1919.

No effort was made early in the year 1919 to reorganize the National Guard of Alabama under the provisions of the National Defense Act of 1916, because of a letter from the War Department bearing date of January 22, 1919, informing the governors of the states that the military policies of the War Department had not been definitely settled and that until policies and plans had been worked out, authority would not be granted states to organize National Guard units with Federal recognition. Some states proceeded with the organization of a purely State Guard, but this was impossible in Alabama because of the fact that no State-owned arms, equipment, and uniforms were available for issue for such troops and no State appropriations were available for the purchase of such.

Pending instructions from the War Department, concerning the date on which to begin reorganization, the State Legislature, which was in session in February, 1919, took steps to comply with section 110, National Defense Act, so that when authority was given there would be no obstacles to the Federal government's co-operating with the State in the reorganization work, furnishing arms and equipments and paying the National Guard army drill and field pay.

There being considerable delay in progress concerning the policies and plans of the War Department, on March 7, 1919, a special request was made by the Governor of Alabama that the War Department authorize this State to organize the State Staff Corps and departments and one infantry regiment. After considerable delay and correspondence, authority was given by the War Department on June 11th for the organization of the Adjutant General's Department and the Quartermaster Corps of the State Staff Corps and departments, and one infantry regiment. Work was immediately started on these units. In July, 1919, authority was granted for the organization of other divisional units of the Alabama National Guard.

Progress during the year 1919 was very slow as the military man power of the State had just been mustered out of the service of the United States and had had no opportunity to readjust themselves to their civil vocations. This was especially true of the officer material, who were, as a rule, mature men and, in many instances, men with families and in such businesses as required practically all of their attention and time in obtaining their readjustment.

2. Organization.

The first units mustered into the State service with Federal recognition were the Adjutant General's Department and the Quartermaster Corps of the State Staff Corps and Departments, on July 1, 1919. This was followed by the organization of Company "L," 167th Infantry, Birmingham, July 2nd; Company "A," 167th Infantry, Montgomery, July 12th; Company "D," 167th Infantry, Selma, August 6th; Third Battalion Headquarters Company, Birmingham, August 20th, 1919. By December, 1919, there were seven units of the 167th Infantry recruited and mustered into the National Guard of Alabama with Federal recognition.

In the year 1920, there were added three infantry companies and one troop of cavalry with Federal recognition. Organization work during this year was carefully and deliberately carried on, as the experiences of the previous year were used to advantage in organizing units on a more substantial basis with assurance of community support in military man power and of local appropriations and moral backing of the business interests.

In the year 1921, there were added six infantry companies, a tank company, three cavalry troops and two batteries of field artillery with Federal recognition.

In the year 1922, up to and including the 30th of September, there were added three companies of infantry, completing the 167th Regiment; two troops of cavalry, completing the 55th Machine Gun Squadron and completing our entire cavalry allotment; four batteries of field artillery, completing the artillery battalion and the entire allotment of field artillery. Other units organized during this year were the 114th Veterinary Company; the 153rd Motor Transport Company; the 135th Observation Squadron (Air Service); the 140th Ambulance Company; the 127th Wagon Company; Company "D," 133rd Engineers; the Headquarters Company, 77th Infantry Brigade; the 114th Ammunition Train and the Headquarters Company, 39th Infantry Division. With the organization of the Brigade Headquarters Company, the entire infantry allotment of this State was completed.

This gives the State of Alabama forty-two (42) organizations with Federal recognition at the end of the fiscal year, September 30, 1922, with a strength of one hundred and sixty (160) officers and two thousand six hundred ninety-six (2,696) enlisted men, a total of two thousand eight hundred fifty-six (2,856) active citizen soldiers.

The units of the infantry regiment are grouped in three battalion areas. The first in the black belt; the second in the northeast section of the State; and the third in Jefferson county; the separate infantry units being the Headquarters Company, 77th Infantry Brigade, stationed at Tuscaloosa, and

the Headquarters Company, 39th Infantry Division, stationed at Mobile. All the field artillery organizations are allotted to the southeast section of the State. The four cavalry units of the 55th Machine Gun Squadron are organized in the south central area of the State, with the two separate units of cavalry stationed in Hartselle and Birmingham. Other units of the Alabama National Guard include Division, Corps and Army Troops. The Corps Engineer Battalion is allotted to four counties in the Tennessee Valley, with one company of engineers stationed at Huntsville. The other companies of the engineer regiment have not been organized because of lack of Federal appropriations and the possibility of the State appropriations not being sufficient for maintenance. The attached print gives the geographic locations of all the organizations of the Alabama National Guard.

Our progress in organization as compared with the other seven states in the corps area indicated that on August 1, 1922, Alabama had thirty-eight (38) organizations with Federal recognition; Georgia, thirty-six (36); North Carolina, thirty-three (33); Louisiana, twenty-nine (29); South Carolina, twenty-nine (29); Florida, twenty-four (24); Mississippi, twenty-one (21), and Tennessee fifteen (15). The reports from the War Department on June 30, 1922 show that the 39th Division, which includes the states of Florida, Alabama, Mississippi and Louisiana, is ninety-one per cent (91%) organized. The same records show that the nearest division bordering the 39th Division Area is ten points below the organized strength of the 39th Infantry Division.

The State of Alabama has joint interest with other states in the corps area in the following organizations. The 77th Infantry Brigade is made up of the 154th Infantry of Florida and the 167th Infantry of Alabama. The 141st Field Artillery is organized with the First Battalion in Louisiana and the Second Battalion, with Headquarters Battery and Service Battery and Regimental Headquarters in Alabama. The 133rd Engineers is to be organized with the First Battalion in South Carolina, and the Second Battalion, with Headquarters, Headquarters and Service Company, in Alabama. We also have joint interest with Tennessee and North Carolina in the 109th Cavalry. All four units of the Fourth Corps Air Service are allotted to the State of Alabama, with the 135th Observation Squadron (Air Service), stationed in Birmingham.

3. Property.

The military property, which is a free issue from the Federal government, includes all classes carried by the army, and on September 30, 1922 was valued at \$1,069,105.34.

The condition of United States military property in the hands of the Alabama National Guard is, in the major part, excellent. Ordnance property, including rifles, automatic rifles, machine guns, pistols and field guns, is, as a rule, in excellent condition. Quartermaster equipment, including uniforms and all articles of clothing, as a rule, is in good condition, but some of this property, having been used through long periods of active State military service on emergency calls, is unserviceable and will be surveyed, dropped from our returns and replaced. This also applies to tents, which have been used for shelter of our citizens in various parts of the State in aid and relief after storms and floods. The military property, as a whole, is in serviceable condition and we are gradually improving armory conditions, which give better weather, police and fire protection at the stations of these organizations.

4. Personnel.

The quality of the commissioned officer and enlisted personnel, as a rule, is the best that the communities in which these organizations are stationed, afford, and our reason for being able to get this class of personnel is the splendid support and co-operation given by the business men and women

of the communities, because of their understanding of the need of this force of citizen soldiery, both for possible State and national service. The citizens' military committees, organized in most of the stations, act as a go-between the organization and public officials and the community at large in getting a proper understanding of the need of the National Guard and the necessary support of various kinds for its maintenance.

5. Federal and State Appropriations.

Federal appropriations for armory drill and field pay, transportation, subsistence, etc., were as follows:

For the year 1920.....	\$ 54,534.36
For the year 1921.....	128,615.43
For the year 1922.....	240,133.58
	<hr/>
	\$423,283.37

The Federal government issued to the State military property and equipment as follows:

For the year 1920.....	\$210,470.14
For the year 1921.....	228,682.11
For the year 1922.....	629,953.09
	<hr/>
	\$1,069,105.34

The State spent out of the military appropriations as an organization and maintenance fund:

For the year 1919.....	\$ 4,102.84
For the year 1920.....	24,139.55
For the year 1921.....	40,729.56
For the year 1922.....	49,905.34
	<hr/>
	\$118,877.29

The total Federal appropriations to our State for the four years preceding September 30, 1922, is \$1,492,388.71. The total State appropriations during the same period is \$118,877.29.

6. Protection of Lives and Property and Aid and Relief of Citizens in Disaster.

During the period 1919-1922, all years inclusive, the National Guard of this State has been called ten times into the active service of the State for protection of lives and property and for aid and relief of our citizens in disaster. The first call was for riot duty in the mineral districts of Alabama in the month of November, 1919, which involved the use of about three hundred officers and enlisted men for seventeen days.

In February, 1920, in Tuscaloosa county, detachments of the Alabama National Guard and military property, including tents, cots, blankets, etc., were used in the aid and relief of storm sufferers.

In March, 1920, detachments of the Alabama National Guard with military property, which included cots, tents, bed sacks, etc., were used in Tallapoosa county in aid and relief of citizens in disaster, the property being distributed from Dadeville.

In April, 1920, in Marion, Franklin and Winston counties, detachments of the Alabama National Guard and military property, including cots, tents, etc., were used in the aid and relief of storm sufferers. These troops worked in conjunction with the American Red Cross and received the highest commendation for their services both from the citizens of the counties in question and the officers and workers with the Red Cross.

In April, 1921, detachments of the Alabama National Guard with tents, were used in aid and relief of citizens in disaster in Tallapoosa county, the property being distributed from Waverly. During the same month tents were distributed to flood sufferers in Elmore county.

In September, 1920, military organizations were ordered into the active service of the State for protection of lives and property in the mineral districts of Alabama. The initial order called for about three hundred (300) officers and men. This was later increased, finally reaching the strength of about eight hundred (800) officers and men in November and December. This strength was gradually reduced and on February 22, 1921, the entire personnel in the active service of the State was demobilized because of the end of the miners' strike. We are informed that this five and one-half (5½) months of service, is the longest continuous period of riot duty that has ever been experienced by any military organization in the United States.

In August, 1921, about one hundred and eighty (180) officers and enlisted men were used to protect a prisoner on trial at Centreville, Alabama. About the same number of officers and men were used on the occasion of the execution of the prisoner in September following. The conduct of officers and men on this occasion was exemplary and shows that law and order can prevail when backed by determined protection, even in the worst criminal cases that can occur in this State, as this prisoner was lawfully tried and executed when it was known that there was a large majority element, who were determined on taking the law in their own hands.

In July, 1922, at Fort Deposit, Alabama, a detachment of two officers and twenty-six (26) men were called into the active military service of the State for the protection of a negro prisoner.

In August, 1922, troops were again called into the active military service of the State for protection of lives and property at Albany and Birmingham incident to the railway shopmen's strike. At one time there were about five hundred (500) officers and men on duty. At the present time there are about two hundred (200) officers and men on duty, equally divided between the two areas of Albany and Birmingham. This work has been of an unusually arduous nature and has required the use of the greatest tact and diplomacy on the part of the officers and enlisted personnel and to date this service has been rendered in the most commendable manner.

On October 2, 1922, about fifty-five (55) officers and men of the organizations of the city of Montgomery were used in protecting a prisoner in the county jail. The service of these soldiers on this occasion received the highest commendation by the best citizens of our community. The fact that these troops were fired on and did not return the fire, which would, in all probability, have involved the possible loss of life to innocent bystanders, indicates the highest quality of discipline, coolness and self-restraint.

7. Training.

This State now has on duty with the National Guard, six (6) officers of the Regular United States army as instructors. Three infantry instructors, one officer of the air service, and one cavalry instructor, and one field artillery instructor. There are eight (8) noncommissioned officers of the Regular United States army on duty with the National Guard of Alabama, as sergeant-instructors,—three infantrymen, one cavalryman, one air service man, one field artilleryman, and one engineer. These officers and noncommissioned officers are rendering valuable service in instruction, in administration and tactical work and in the conduct of schools by correspondence, lectures and personal instruction. In addition to their regular work they are giving the State valuable service in the maintenance of the units in the area to which they are assigned, and all have a most commendable interest in the organizations under their instruction, and are doing everything possible to help in arousing a permanent community interest and support, and are giv-

ing our citizens as a whole information and instruction in the value of military instruction and the necessity for the maintenance of these units of citizen soldiery.

8. Personnel.

The officers and men as a whole have shown great enthusiasm and interest in the organization, maintenance and instructional work both in the armory and in the field. We are gradually improving the quality of the personnel, both the commissioned and enlisted men by eliminating the morally unfit and others who, because of certain traits of character, are rendered unfit for retention in the military service. As an example of the quality of our officers, Alabama has had two officers detailed for duty in the War Department at Washington during this period,—one with the Militia Bureau, this officer being one of three selected from the entire United States, and one for a six months period of general staff duty representing our corps area of eight states.

9. Service Schools.

During this period, 1919-1922, we have had six officers to finish special courses in the service schools of the United States army, including the infantry school at Fort Benning, the field artillery school at Fort Sill, the cavalry school at Fort Riley, and the tank school at Camp Mead. We have had eight noncommissioned officers to complete courses for enlisted men at the army service schools for enlisted men. We also have one cadet, appointed from the Alabama National Guard, in the United States Military Academy.

10. Organization of new units for the coming years will be accomplished very deliberately because Alabama now has organized seventy-five per cent (75%) of our entire allotment under the National Defense Act. The work of the military department will be largely that of maintenance and improvement of conditions in the individual units throughout the State. This maintenance is of more vital importance than any other factor for the upbuilding of the National Guard, and in this work we confidently anticipate the hearty support of our citizens."

DEPARTMENT OF ARCHIVES AND HISTORY

The Alabama State Department of Archives and History has during the past four years conducted its affairs in the economic and efficient manner which has characterized it from its beginning more than twenty-one years ago. Early in this administration the department suffered the loss by death of the founder and for twenty years director, Thomas M. Owen. His widow was elected by the board of trustees, the delegated authority, as his successor and assumed her duties early in April of 1920. Since the creation of this department, which has been pronounced by authorities a new venture in political science, thirteen other states have adopted the Alabama plan. The founder constantly added new activities to the office and brought it from a bureau of archives and historical records to a branch of the State government rendering practical service to all the people through its various new sub-divisions.

To the original collection of unassorted State papers scattered throughout the various departments in the Capitol which were brought together in the Department of Archives and His-

tory, has been added this class of material with the out-going of each administration. The very practical service of classifying and arranging this material subject to the call of any official or citizen of the State has produced such an accumulation of documents that additional space must be provided or efficiency sacrificed. What is true of the official papers of the State is also true of all of the collections of the department including its newspaper files, museum objects, portrait gallery, natural history collections, scientific collections of all sorts and the Legislative Reference Library. There is not an attic, basement, or receiving closet in the Capitol that is not crowded with collections belonging to this department and I recommend that the action of the Alabama Memorial Commission created by the Legislature of 1919, recommending a memorial building to commemorate Alabama and Alabamians in the World War and to house the Alabama State Department of Archives and History with its records of all wars and all other classes of its collections, be given favorable consideration by this Legislature.

The collections of the department during the last four years have been materially increased. Although all museum objects have been removed from their cases and boxed for lack of space, there has been no abatement in efforts to add to the collections pending the time when a suitable fire-proof building will be provided by the State. A very valuable addition was made when the Navy Department placed here the silver service presented by the people of the State to the battleship Alabama, which vessel has now been dismantled and destroyed. A number of valuable oil portraits of eminent Alabamians have been presented to the department. The library has been enriched by the acquisition of some rare books and the manuscript division largely augmented.

One of the most far-reaching activities of the Department of Archives and History is the State-wide free traveling library system which it conducts. Although no additional appropriation has ever been made for this work the department has, through a devoted interest, secured gifts of books from publishers throughout the country and from other sources which have made possible a reasonable response to the call of the children of the rural districts. This service is constantly growing and the number of libraries, consisting of from forty to a hundred volumes sent out monthly by the department during the past year, exceeds the annual circulation of former years. If this work is to grow means must be provided the department for the maintenance of one field worker to stimulate interest and to assist local, untrained librarians in the best method of handling and caring for the books when they reach the rural schools and communities. New books must be bought and clerical help furnished for their administration in the department. It has been the experience of other states

that a traveling library system properly conducted is of inestimable value as an educational force, reaching as it does the isolated individual and community. The ultimate end of such a system is the stimulation of local and county libraries, both of which are gradually coming into being in Alabama.

Since 1907 the department has been collecting a legislative reference library. Prior to 1915 this division of the department library had not reached that point where it was sufficiently complete to be of marked service. However since that date it has been constantly built up. During the last four years the members of the Legislature have made constant use of the material in connection with bill drafting and legislative needs. This collection is made up not only of local matter but consists also of legislative Acts and reports of commissions in the several states of the Union. The librarian of the department is frequently called upon to do research work during legislative recess for members of that body. This work however like other activities of the department is very much hampered for lack of library space.

The Department of Archives and History is the custodian of all Confederate records and rosters. The director is a member of the Pension Board and correspondence conducted with applicants for pensions, and with the War Department at Washington in connection therewith, amounts to several hundred letters monthly.

This department with increasing usefulness has become a State-wide bureau of information. Its historical reference collections are called upon daily by scores of mature students throughout the State, both as individuals and as members of scientific, patriotic, literary, art and musical circles. In addition to service of this character rendered to the people of Alabama, statistics and information of a practical kind are daily supplied to calls from over this country generally as well as foreign countries.

This department is the medium through which several commissions authorized by former legislatures operate, by virtue of the fact that the director has been named in several cases as ex-officio secretary. Among these are the Alabama Memorial Commission, and the Alabama Centennial Commission. The people of Alabama are aroused today as never before to a patriotic love and appreciation of their State. This condition is due in large measure to the numerous historical celebrations that have taken place incident to the centennial anniversary of the State's admission into the Union and the marking of historic spots. Through the joint efforts of the Centennial Commission and the Department of Archives and History and local agencies a granite boulder has been placed on the site of old St. Stephens, marking

the site of the Territorial Capital. A marble boulder was placed on the site of old Cahaba, marking the first State Capital. A granite boulder was placed on the grounds of the old State House in Tuscaloosa marking the site of the second State Capitol and plans are in progress to mark with a bronze tablet the Court House at Huntsville, at which place the convention was held which adopted our first State Constitution. The Capitol in Montgomery will at an early date be marked with a bronze tablet suitably inscribed showing that city as the fourth and last Capital of the State and the first Capital of the Confederate States. This department is worthy of your sympathetic consideration in the matter of appropriations for its maintenance.

EMPLOYMENT OF RELATIVES BY PUBLIC OFFICIALS

I deem it my duty to advise you of the growing tendency toward the employment of relatives in public offices. For many years complaints have been heard about "public offices becoming private snaps." There is more just cause for such complaints now than ever before. This practice of employing relatives in public office has and can so seriously affect the orderly administration of the public business that I regard it as imperative that legislation be enacted which will limit if not prohibit it.

Any member of this Legislature by methods of his own may obtain information to show that the public business of several departments in the capitol has been transacted by relatives of the heads of the departments. In many cases the work has been well done and it is not my purpose now to point out the inefficiency of any employees of the State but to show that the practice may lead to a condition whereby the public business may be seriously affected.

The State treasury will serve as an illustration: The State Treasurer has one daughter as chief clerk and another daughter as an assistant clerk. There are two other employees, both women. I doubt not that the work will be handled efficiently, but what would happen if the State Treasurer should become ill? He and his chief clerk, his daughter, are the only ones permitted to handle the State's money and draw the State's warrants. If the Treasurer should become ill his chief clerk naturally would be called to his bedside and his other daughter, an assistant clerk, would go, also. This would leave only two employees in the department and neither would have authority to receive or disburse State funds.

I suggest that the Legislature enact a law limiting if not prohibiting the employment of their relatives by heads of departments.

UNIFORM STATE LAWS

In accordance with established custom, and the desire of the National Conference of Commissioners on Uniform State Laws, at the beginning of my administration I appointed five commissioners for Alabama to the conference; and I have in my hands the report of the lawyers whom I appointed as the State's commissioners. They recommend that Alabama adopt twelve more of the laws prepared by the conference to promote uniformity throughout the United States of the law upon commercial relations. In 1909 we adopted in Alabama the Uniform Negotiable Instruments Law, and in 1915 the Uniform Warehouse Receipts Law, and my commissioners urge that the remaining uniform laws affecting commercial relations be adopted at once. I cannot too plainly indorse the importance of uniformity in commercial laws; and the work of the conference to that end; and I trust the report of the commissioners from Alabama will receive your careful study. The report follows:

"To the Governor of Alabama:

In the summer of 1920, Your Excellency appointed the undersigned as Commissioners for Alabama in the National Conference of Commissioners on Uniform State Laws; and as we assume that our term of office expires with your term of office as Governor of Alabama, we now respectfully make report of our actions since our appointment, and take the liberty at the same time to make our suggestions as to the extent to which Your Excellency should ask the Legislature of Alabama to endorse the work of the conference and adopt their recommendations as laws.

There have been three meetings of the conference since we were appointed commissioners, the first during the week preceding the meeting of the American Bar Association at St. Louis, in August, 1920. The second during the week preceding the meeting of the American Bar Association at Cincinnati in August, 1921, and the third during the week preceding the meeting of the American Bar Association at San Francisco in August, 1922. The conference always meets at the same place as the American Bar Association, but during the week preceding the meeting of that body, so that in fact the conference and the association are separate. Membership in the conference is entirely dependent upon appointment by the governors of the several states, with or without legal authority, as the several states provide; whereas membership in the American Bar Association is voluntary with the members of the bar throughout the country.

Judge McClellan, Judge Smith, and Mr. Sims attended the conference at St. Louis. Mr. Sims attended also the conference at Cincinnati, and Mr. Dixon attended the conference at San Francisco. Judge McClellan, Judge Smith and Mr. Sims were prevented from attending the conference at San Francisco because of its conflict in time with the democratic primary in Alabama in August, 1922.

But attendance on the meetings of the conference is by no means the only work of the commissioners. After attending one or more conferences, commissioners are likely to be appointed on committees which require much individual labor between times, as well as one or more special conferences throughout the year. Thus Mr. Sims was appointed on the Committee on Commercial Law, and went to New York to a meeting of that committee in January, 1922, and also was appointed chairman of a committee to consider

and prepare a bill for a law to make uniform the law relating to the extradition of persons charged with crime. The bill prepared by Mr. Sims' committee was considered by the conference at its meeting in San Francisco in August, 1922, but as the conference never recommends a bill to the states for passage until it has been considered at two conferences at least, that bill is not yet ready to be presented to the Legislature of Alabama for enactment this year. It is still under consideration by the conference.

The National Conference of Commissioners on Uniform State Laws was founded in 1892, and has met annually ever since; so that the meeting at San Francisco last summer was the thirty-second conference. Its purpose is to prepare bills upon subjects upon which the law all over America, in their judgment, ought to be uniform, and to recommend their bills when prepared by them in final form for enactment by the various legislatures into law; the commissioners from each state assuming the tacit obligation to use their best efforts to procure the enactment of the uniform bills in their respective states.

So far the conference has prepared and recommended for adoption thirty bills; but only three of them have been adopted as yet in Alabama, namely, the Negotiable Instruments Law adopted in Alabama in 1909, the Warehouse Receipts Act, adopted in Alabama in 1915, and the Desertion and Non-Support Act adopted in Alabama in 1915. Of the other proposed uniform laws which Alabama has not yet adopted, we respectfully suggest that you recommend the immediate adoption of at least nine and probably twelve as covering subjects upon which the law of Alabama should be uniform with that of the other states. Some of these Acts have not yet been adopted by a large number of states, and, therefore, there may be some doubt whether the law of Alabama should be materially changed in those cases merely to promote uniformity in future. But where a considerable number of states have already adopted a law on a subject which should be uniform, of course there can be no doubt that Alabama should adopt that law at once rather than wait to be among the last to adopt it.

The work of the conference has been devoted so far to three classes of subjects,—first, and principally, to commercial law; secondly, to procedural law more or less directly affecting commerce, such as the probate of foreign wills, the recognition of foreign acknowledgments, the authorizing of declaratory judgments upon the meaning of contracts and the like; and thirdly, to social law, such as marriage and divorce, child labor, illegitimacy, and the like.

Of the need of uniformity throughout the country of law on the first class of subjects, there can be no doubt, and as would be expected, the uniform Acts on those subjects have been most widely adopted. The uniform Acts which have been provided on the second class of subjects, those procedural in nature, have been less generally adopted, and are generally inconsistent with old local statutes without being greatly beneficial to interstate commerce. So we are not now urging the adoption in Alabama of any of them. So too the exclusively social laws are always more or less doubtful, and their passage would be hard to procure, without producing great benefit from uniformity. So we are not urging but one of them, and that only because it requires no argument to show that it will promote a broader handling of the great social problem of the South.

The uniform Acts which we now urge for adoption in Alabama are the following:

1. The Uniform Sales Act, which was prepared in 1906, with certain amendments recommended by the conference in 1922 to harmonize it with certain later Acts and the Federal Bills of Lading Act known as the "Pomerene Act," which is slightly in conflict. The Sales Act has been adopted by at least nineteen states and territories.

2. Three amendments to the Warehouse Receipts Act (which was adopted by Alabama in 1915) to make it harmonize with the other Acts drawn later, and with the "Pomerene Act" above referred to.

3. The Uniform Bills of Lading Act, which was completed in 1910, and has been adopted in at least twenty-two states and territories.

4. The Uniform Stock Transfer Act, which was completed in 1910 and has been adopted in at least fourteen states and territories.

5. The Uniform Marriage Evasion Act, which was completed in 1912 and has been adopted in only five states, but which tends to support us in our efforts to prevent miscegenation, in that it would invalidate marriages made outside Alabama which would be invalid in Alabama if the parties intend to reside in Alabama and go out of the State merely to accomplish a marriage which could not be contracted at home.

6. The Uniform Partnership Act, which was completed in 1914, and which has been adopted in ten states and territories.

7. The Uniform Cold Storage Act, which was completed in 1914, and has been adopted in six states.

8. The Uniform Limited Partnership Act, which was completed in 1915, and has been adopted in six states and territories.

9. The Uniform Conditional Sales Act, which was completed in 1918 and amended in 1920, and has been adopted in several states and territories.

10. The Uniform Fraudulent Conveyance Act, which was completed in 1918, and has been adopted in several states already.

11. The Uniform Fiduciaries Act, which was completed in 1922, and therefore has not yet been adopted anywhere, but which will be undoubtedly popular, because it is designed to relieve persons dealing with a fiduciary from the heavy responsibility of a constructive burden of inquiry into the good faith of the fiduciary, except in cases of knowledge of fraud or personal advantage to the person so dealing.

12. The Uniform Act to recognize the commission and to require the Governor to appoint commissioners to represent the State in the conference.

This bill provides for three commissioners only, and thus aims to have each state represented by the same number of commissioners.

It also provides for an annual payment by the State to the commission of three hundred dollars, to help defray the expenses of the commission, which now are borne by the American Bar Association to the extent that they are not met by the several states.

This expense does not include the expenses of the commissioners going to and attending the annual conference. That is provided for also by many of the states, but the Alabama commissioners do not approve incorporating such a provision in the Alabama law. It would seem better to let the commissioners be selected from among those willing to bear their personal expenses in attending the conference.

Copies of all the above bills accompany this report.

December 1, 1922.

Respectfully,
J. K. DIXON,
THOS. C. McCLELLAN,
HENRY UPSON SIMS,
J. Q. SMITH,
Commissioners for Alabama."

· CONSTITUTIONAL CONVENTION

During recent years it has been found that much progressive legislation, badly needed and greatly desired, has been restrained

because of some constitutional limitation or inhibition. This has occasioned the submission to the people for approval at almost every general election of one or more amendments to the Constitution. Some of these amendments have been rejected and some have been adopted. The result is that we now have much confusion and a great lack of co-ordination in the fundamental law of the State. The Constitution with its amendments is a patch work. It should be changed, remodeled and re-written and made an harmonious whole. I shall not undertake to enumerate the many desirable changes, but I mention just one, the benefit of which would be worth to the State in dollars and cents a hundred times the cost of a convention. I refer to the provision of the Constitution requiring the Legislature to enforce uniformity in all classes of taxation. Under our Constitution all property, real and personal, must be taxed at the same rate. The uniform tax system has never worked well in any state. Constitutional provisions providing for uniform taxation are long out of date. Ours should go the way of the others.

I recommend that you submit to the vote of the people the question of whether or not a convention should be held, prescribing in the resolution submitting the question a plan of apportionment of delegates to the convention. If you submit the question, I suggest the creation of a commission composed of, for example, thirty-five citizens of the State, drawn from the worthy members of such groups of our people as the farmers, the business men, the educators, the bankers, the doctors, the bench and bar, the press and organized labor, whose duty it would be to study comprehensively and in detail the provisions of the present Constitution in the light of modern thought and conditions, in order to secure for the people of the State a Constitution best suited to their needs and most conducive to their welfare.

The report of the commission should contain in detail such recommendations as to the continuance, discontinuance or modification of existing provisions, or the adoption of new provisions, as the commission, from its investigations and study, shall deem advisable and proper. It should further contain drafts of proposed changes. The report should be submitted to the Governor and by him transmitted to the Constitutional Convention. It should be made a public document. The services and report of such commission would materially lessen and shorten the work of the Constitutional Convention, and would afford a most valuable basis for the deliberations of that body.

I have suggested in this message several needed amendments to the Constitution. This recommendation for a convention is in lieu of the others.

CONCLUSION

I am not unmindful that incoming legislatures usually look to incoming governors for advice and recommendations rather than to outgoing governors. Nevertheless the foregoing observations and recommendations, based on the experience of four years in the executive office, are offered in the earnest hope and expectation that they will receive from you the same careful consideration that I have given them, whether you accept or reject them. I have proposed, in all that I have recommended, the continuance of a progressive program, a program that calls for the further and continued development and expansion of the activities of the State, especially those concerning education, public health and the care of the unfortunate wards of the State. Underlying that program is the system of taxation. Your predecessors built a splendid piece of machinery for the equalization of tax values. That machine must be preserved and improved if possible, so that sufficient revenues may be secured for the support of our educational and eleemosynary institutions or the execution of all plans for progress will be impossible. There has been financial distress among our people during the last four years but it was not caused by high tax bills. Federal taxes have been high and burdensome, but State taxes are the least of our burdens. Recent statistics show that the per capita burden of taxation is lighter than in any other state in the Union.

If wise counsels do not prevail in this Legislature the whole structure so wisely prepared by the last Legislature will crumble and fall or be so impaired that it will fail of its object.

There will always be the familiar cry "reduce taxes," when assessments are far below the percentage required by law. "Economy"—false economy that saves at the spigot and wastes at the bung—"abolish useless offices and reduce salaries" when there are no useless offices or excessive salaries. These cries may be popular, but, gentlemen of the Legislature, they contain a positive and serious menace to the welfare of Alabama and particularly to her educational and health interests and to the unfortunate and helpless wards of the State. Not only do they threaten those interests but they threaten our agricultural and industrial interests as well. Alabama is a wonderful State—potentially. Providence has been kind to us. Nature was lavish in her legacy of resources. We are rich in fertile lands, in an unsurpassed climate, in minerals, in timber, in navigable streams and water powers, in everything necessary to the making of a great State. On no spot of this earth are the raw materials for manufacture so well assorted, so set apart, side by side, ready for immediate and convenient use as they are in Alabama. It is as though the Creator had chosen this section of His universe for a

test or demonstration of what the brain and the hand of man might accomplish in the working of His materials, selected by Him and set apart by Him for the purpose.

But what avails this rich and rare array of resources if they are not to be fully developed? And fully developed they never will be except through the scientific knowledge and technical skill of our own people—our own boys and girls of today who will be the men and the women and the builders of tomorrow. The agricultural and industrial progress of the State depends upon how we educate these boys and girls. The costliest possession of any state is its ignorance; we learn this from our own experience. The best paying investment of any state is education and knowledge; we learn that from the experience of others. The states that invested in education have reaped rich returns from the investment and they are continuing and multiplying the investment.

Now, the question is, shall we maintain the present progress, increase it or decrease it? The answer lies in what you are going to do with your system of taxation. There is no standing still. We will go forward or backward. If you follow those who preach "government by voluntary contribution" the State will go backward with a rush. The alternative is to stand by the schools, stand by all that makes for the educational, the agricultural and the industrial progress and give to Alabama her rightful place among the sisterhood of states.

Before closing this my last general communication to you I desire to record my appreciation of the action of the last Legislature in sustaining my administration in practically every contest. With two or three not very important exceptions all bills recommended by the administration to the favorable consideration of the two houses were passed and enacted into law. Thus did your predecessors enable me to redeem all the pledges which I made to the people. This is a remarkable record of co-operation of one branch of the government with another branch. For those who made it possible I shall ever cherish the liveliest and warmest sentiments of gratitude and esteem.

I desire to record here a fact which may occasion surprise to some who have professed to believe that undue pressure was brought to bear at certain critical periods. Never at any time nor under any circumstances did I directly or indirectly influence or attempt to influence any vote or support for or against any measure before the Legislature by the use or promise of patronage, by support for or against any other measure or by any other means whatever except only such argument as I was able to advance for the measure under consideration. I make this statement not only in justice to myself but in justice to the members of the Legislature as well.

I desire also to extend my thanks to the various State officers and heads of departments, assistants and employees and the attaches of the executive office for their cordial support and cooperation in the performance of my official duties. Their assistance has greatly contributed to the dispatch of business and has rendered my occupancy of the executive office easier and more pleasant and agreeable than it could have been without it. In my retirement I shall bear them in the kindest and most grateful remembrance.

I should feel as if I had neglected a duty if I failed to make public acknowledgment of the services of the Secretary to the Governor, Mr. W. A. Darden. He has been more than a secretary. He has been an able and faithful counselor and a constant sharer of my burdens. He has been a most important factor in the conception and execution of plans for the betterment of all our eleemosynary and penal institutions, ever alert and zealous for the interests of the State. In the conception, planning and building of the new prison near Montgomery his services have been especially valuable. I have never known a more efficient, loyal or faithful public servant.

In conclusion, I avail myself of this opportunity to express to my fellow citizens my profound gratitude for the honors they have conferred upon me, assuring them of my constant and earnest desire for the advancement of our State in virtue, prosperity and happiness.

THOS. E. KILBY,
Governor.

Montgomery, Ala., January 9, 1923.

GOVERNOR'S MESSAGE AND ORDER TO PRINT.

The foregoing message from His Excellency the Governor was read, and, on motion of Mr. Ellis 500 copies thereof were ordered printed for use of the Senate.

ADJOURNMENT.

At 5 o'clock P. M., on motion of Mr. Ellis, the Senate adjourned until 10 o'clock to-morrow morning.

SECOND DAY.

Wednesday, January 10th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

PRAYER.

By Representative Beale of Tuscaloosa.

ROLL CALL.

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

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JOURNAL.

On motion of Mr. Griffith, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

JOINT CONVENTION.

The hour of 10:30 having arrived, the Legislature of Alabama met in the hall of the House of Representatives to witness the opening of the returns, and counting, ascertaining and proclaiming the results of the votes cast for the executive officers of the State of Alabama at the election held on Tuesday after the first Monday in November, 1922, being the 7th day of November in the year of our Lord, one thousand, nine hundred and twenty-two.

The joint convention was called to order by Hon. Nathan L. Miller, President of the Senate, who directed the Secretary of the Senate to call the roll of the Senate, when the following Senators answered to their names:

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

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The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members answered to their names:

Messrs:			
Mr. Speaker	Elliott	Hubbard	Rountree
Adams	Embry	Jeter	Russell
Adcock	Fanning	Jones	Rutherford
Allen	Ferrell	Kilpatrick	St. John
Arrington	Fite	Lee	Sanders (Pike)
Ashcraft (Fayette)	Forman	LeMaistre	Sessions
Ashcraft (Lauderdl.)	Gaines	Letson	Smith (Clay)
Bealle	Glass	Lcng	Smith (Lee)
Blackwell	Glenn	Love	Snodgrass
Bowen, Lewis	Glover	Luck	Sollie
Bowen, L. K.	Goode	Melton	Stewart (Bibb)
Boykin	Goodwyn	Merrill	Stewart (Calhoun)
Burns	Graves	Mocneyham	Thompson (Jackson)
Burton	Grove	Moorer	Tiller
Byars	Guy	Moxley	Tunstall
Calloway	Hall	Nichols	Tyson
Cato	Hampton	Norman	Varner
Christian	Hatter	Parker	Verner
Coleman	Hawkins	Patterson	Wall
Cook	Henley	Pickens	Walton
Culver	Henson	Poole	Ware
Cunningham	Hodgson	Posey	Mrs. Wilkins
Deloney	Hornsby	Powell	Williams
Dickinson	Howard	Ringer	Wyatt
Dowdle	Howze	Rives	Young
Dunwoody			

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The President of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the joint convention was to open the returns, count, ascertain, and proclaim the result of the election held on Tuesday after the first Monday in November, 1922, being the 7th day of November, 1922, for executive officers of the State of Alabama.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature of Alabama, in joint convention assembled, the returns of the election held on Tuesday after the first Monday in November, 1922, for executive officers of the State of Alabama, to-wit: For Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries.

RESULT OF ELECTION.

The Speaker of the House proclaimed the result of the election as follows:

COUNTIES	Governor			Lieutenant Governor			Attorney General		State Auditor		Secretary of State			State Treasurer		Superintendent of Education			Commissioner of Agriculture and Industries	
	W. W. Brandon	O. D. Street	Arlie Barber	Chas. S. McDowell, Jr.	Jere Murphy	R. B. Goss	Harwell G. Davis	W. H. Armbrecht	W. B. Allgood	T. B. McNaron	S. H. Blan	J. I. McKinney	E. L. Fesperman	Geo. W. Ellis	J. I. Abercrombie	John W. Abercrombie	Miss Lucy Laurendine	Mrs. Agnes P. Hutchinson	J. M. Moore	D. E. Moody
Autauga	791	30	1	790	27	1	791	26	791	27	789	30	1	792	29	791	26		794	26
Baldwin	1,125	200	35	1,047	204	35	1,078	215	1,096	208	1,080	215	33	1,078	223	1,084	225	39	1,085	217
Barbour	795	6	1	790	6	1	793	6	793	6	793	6	1	794	6	793	6	2	793	6
Bibb	862	39	43	849	32	33	848	37	853	34	843	35	32	777	34	848	32	36	853	35
Blount	2,686	1,809	22	2,632	1,775	18	2,625	1,768	2,658	1,776	2,625	1,772	16	2,635	1,782	2,647	1,764	14	2,633	1,727
Bullock	444	7	1	444	7	1	444	7	444	7	444	7	1	444	7	444	7	1	444	7
Butler	760	15	16	755	16		756	15	756	15	754	18		754	15	758	15		756	15
Calhoun	1,885	50		1,863	54	14	1,861	56	1,866	55	1,854	55	14	1,854	63	1,863	57	11	1,861	63
Chambers	1,705	14	2	1,662	14	2	1,621	13	1,644	13	1,630	15	1	1,572	14	1,640	15	1	1,630	16
Cherokee	1,552	337	7	1,448	314	7	1,440	300	1,468	312	1,440	316	7	1,437	309	1,462	306	7	1,435	301
Chilton	1,626	1,925	9	1,575	1,883	10	1,544	1,925	1,465	1,923	1,446	1,830	10	1,567	1,939	1,575	1,917	7	1,565	1,922
Choctaw	1,353	5		1,315	5	1	1,274	5	1,284	5	1,267	5		1,230	5	1,279	5		1,271	5
Clarke	2,640	1		2,640	1		2,695	1	2,628	1	2,637	1	1	2,637	1	2,515	1	1	2,625	1
Clay	2,046	1,271	6	1,977	1,267	6	1,960	1,263	1,973	1,268	1,969	1,265	6	1,972	1,265	1,992	1,259	6	1,977	1,261
Cleburne	1,050	639	1	929	633	1	859	627	876	627	874	634	1	871	637	926	635	1	877	630
Coffee	1,104	30		1,073	23		1,044	22	1,055	24	1,062	26		1,057	25	1,047	28	1	1,046	22
Colbert	1,228	112	17	1,212	109	14	1,205	110	1,217	109	1,209	209	15	1,213	112	1,222	105	9	1,208	115
Conecuh	927	19		914	16	1	907	14	915	16	908	18		941	16	909	16		848	13
Coosa	1,196	554	7	1,149	548	5	1,116	554	1,130	552	1,127	552	5	1,124	558	1,135	558	6	1,127	553
Covington	1,190	18	12	1,167	19	14	1,166	17	1,163	18	1,164	20	13	1,170	18	1,168	19	13	1,170	19
Crenshaw	763	10		762	10		761	8	763	10	761	10		763	9	756	10	1	763	10
Cullman	2,583	1,809	13	2,384	1,796	13	2,328	1,777	2,420	1,774	2,335	1,793	15	2,334	1,800	2,406	1,769	11	2,333	1,790

COUNTIES	Governor			Lieutenant Governor			Attorney General		State Auditor		Secretary of State			State Treasurer		Superintendent of Education			Commissioner of Agriculture and Industries	
	W. W. Brandon	O. D. Street	Arlie Barber	Chas. S. McDowell, Jr.	Jere Murphy	R. B. Goss	Harwell G. Davis	W. H. Armbrecht	W. B. Allgood	T. B. McNaron	S. H. Blan	J. I. McKinney	E. L. Fesperman	Geo. W. Ellis	J. I. Abercrombie	John W. Abercrombie	Miss Lucy Laurendine	Mrs. Agnes P. Hutchinson	J. M. Moore	D. E. Moody
Dale	1,036	146		1,023	142		999	135	1,014	134	1,017	117		1,010	137	1,097	136		1,004	136
Dallas	1,137	6		1,137	4		1,137	4	1,137	4	1,137	4		1,137	4	1,137	4		1,137	4
DeKalb	3,413	3,433	7	3,284	3,428	7	3,268	3,431	3,323	3,434	3,468	3,421	7	3,274	3,230	3,290	3,426	5	3,274	3,413
Elmore	1,278	35		1,268	35		1,268	36	1,269	35	1,263	35		1,270	39	1,270	35		1,268	37
Escambia	1,259	13	2	1,241	18	2	1,236	20	1,240	19	1,236	24	3	1,239	19	1,246	19	2	1,241	19
Etowah	3,689	814	36	3,630	780	35	3,603	753	3,659	831	3,605	776	34	3,640	800	3,651	782	28	3,649	790
Fayette	1,902	779	20	1,748	1,082	16	1,705	1,083	1,738	1,083	1,769	1,083	12	1,730	1,092	1,760	1,075	11	1,830	1,083
Franklin	2,363	2,144	75	2,293	2,157	32	2,286	2,160	2,302	2,157	2,296	2,156	34	2,291	2,160	2,310	2,151	34	2,199	2,162
Geneva	1,691	470	1	1,653	463	1			1,584	460	1,582	466	1	1,579	463	1,580	467	2	1,566	463
Greene	298	4		296	4		296	4	296	4	294	4		294	4	295	4		296	4
Hale	542	2		541		2	541	2	541	2	541	2		541	2	541	2		541	2
Henry	1,239	165	2	1,192	165	2	1,153	165	1,144	168	1,166	165	2	1,163	167	1,168	163	1	1,164	169
Houston	1,852	78	3	1,817	79	3	1,812	76	1,813	7	1,814	78	3	1,815	79	1,794	79	3	1,875	78
Jackson	2,281	469	12	2,141	447	11	2,107	444	2,125	462	2,116	456	12	2,114	456	2,151	441	12	2,123	452
Jefferson	11,135	424	1,039	11,229	429	761	11,440	442	11,447	441	11,021	441	594	11,341	598	11,206	441	438	11,382	484
Lamar	846	54	1	848	54	1	830	53	834	56	834	56	1	814	54	833	54	1	832	55
Lauderdale	2,475	415	4	2,407	396	4	2,382	388	2,405	393	2,392	402	2	2,394	391	2,411	391	5	2,401	450
Lawrence	1,353	447	2	1,211	447	2	1,151	440	1,190	448	1,169	462	2	1,171	458	1,216	439	2	1,165	445
Lee	729	10		727	9	1	724	9	726	9	726	9	1	726	9	727	1	1	725	10
Limestone	860	20	2	854	20	2	853	22	855	22	854	20	2	853	22	853	21	2	853	22
Lowndes	488			487			488		487	1	483	4		489		487	1		487	1
Macon	308	5		306	5		305	5	305	5	306	5		306	5	308	5		306	5

Madison	2,199	58	1	2,135	55	1	2,121	40	2,127	42	2,129	43	1	2,131	84	2,090	42	3	2,121	42
Marengo	848	4		848	4		848	4	848	4	848	4		848	4	848	4		848	4
Marion	1,903	639		1,836	644		1,801	633	1,909	643	1,806	650		1,809	648	1,812	640		1,818	639
Marshall	2,914	1,421	13	2,872	1,262	13	2,872	1,241	2,919	1,309	2,851	1,253	11	2,863	1,266	2,909	1,259	14	2,875	1,253
Mobile	6,963	1,052	40	6,836	862	44	6,762	504	6,913	412	6,882	436	40	6,846	460	6,780	487	49	6,757	425
Monroe	920			920			920		920		920			920		920			920	
Montgomery	1,795	39	1	1,797	36	1	1,796	37	1,797	37	1,793	41	2	1,791	38	1,794	37	1	1,795	37
Morgan	1,978	117	23	1,927	112	19	1,924	110	1,936	107	1,909	120	18	1,918	113	1,941	111	15	1,929	112
Perry	522	22	18	520	4	18	520	4	520	5	520	3		521	4	521	4		523	2
Pickens	1,001	23	2	990	23	2	948	23	981	23	980	23	2	978	23	984	24	1	994	22
Pike	845	8	1	845	8	1	846	6	846	8	847	5	1	847	9	847	8	1	843	7
Randolph	1,585	616	2	1,572	569	4	1,562	603	1,571	607	1,566	607	3	1,583	605	1,586	608	2	1,574	567
Russell	454	2		452	1		445	1	449	1	449	1		450	1	449	1		447	1
Shelby	2,488	2,213	40	2,394	2,223	28	2,391	2,919	2,374	2,222	2,370	2,221	27	2,373	2,238	2,372	2,244	20	2,295	2,239
St. Clair	1,908	1,470	41	1,788	1,455	29	1,768	1,467	1,814	1,442	1,761	1,460	28	1,757	1,342	1,731	1,529	23	1,769	1,455
Sumter	676	2		676	2		676	2	676	2	676	2		677	2	676		2	676	2
Talladega	1,901	137		1,851	131		1,841	130	1,842	130	1,843	133		1,840	141	1,860	127		1,841	132
Tallapoosa	1,076	16	2	1,076	17	2	1,075	17	1,075	18	1,075	17	2	1,075	17	1,074	17	1	1,074	17
Tuscaloosa	2,036	64	1	2,000	58	1	1,980	47	1,994	59	1,979	57	2	1,988	61	2,008	57	1	1,988	52
Walker	4,589	2,783	105	4,457	2,745	73	4,443	2,749	4,463	2,733	4,436	2,747	66	4,453	2,788	4,484	2,741	57	4,546	2,782
Washington	716	5		705	5		703	7	703	5	703	5		703	6	703	7		703	6
Wilcox	667			667			667		667		667			667		667			667	
Winston	1,136	1,641	8	1,178	1,609	3	1,185	1,616	1,208	1,620	1,188	1,617	3	1,186	1,624	1,211	1,619	7	1,187	1,607
Totals	113,605	31,175	1,697	111,052	30,748	1,298	108,799	30,598	111,144	30,384	110,293	30,463	1,088	110,162	30,529	110,858	30,478	911	110,602	30,044

PROCLAMATION OF RESULT.

The Speaker of the House of Representatives then declared that W. W. Brandon, Charles S. McDowell, Jr., Harwell G. Davis W. B. Allgood, S. H. Blan, George W. Ellis, John W. Abercrombie, J. M. Moore, were duly and constitutionally elected Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, respectively, for the term prescribed by law.

The object of the Joint Convention having been accomplished the President of the Senate announced that it was dissolved;

Whereupon, the Senate retired to its Chamber.

RESOLUTIONS.

Mr. Waddell offered the following Senate Resolution:

S. R. 8. Be it resolved by the Senate of Alabama, that the Chairmen of the following Committees are hereby authorized to employ clerks to serve such Committees during the present session, to-wit:

The Committee on Judiciary, one clerk;

The Committee on Revision and Laws, one clerk;

The Committee on Finance and Tax, one clerk;

The Committee on Local Legislation and Fish, Game and Forestry, one clerk;

The Committee on Education, one clerk;

The Committees on Constitution and Constitutional Revision, Banking and Insurance, Mining and Manufactories, and Temperance, jointly, one clerk;

The Committees on Penitentiary, Prison and Prison Punishment; Counties and County Boundaries; Revision of Journal, jointly, one clerk;

The Committees on Immigration and Industries, Public Buildings and Grounds, Privileges and Elections, Printing, Public Health, Military, jointly, one clerk.

The Committee on Engrossed Bills, and Enrolled Bills, jointly, one clerk.

The Committees on Public Roads and Highways, Corporations, and Commerce and Common Carriers, one clerk;

The Clerks herein provided shall be paid \$4.00 per Diem, as other clerks in the Senate are paid upon certificate of the Chairman of the Committee upon which they serve.

And moved the suspension of the rules and that said resolution be put upon its immediate passage and adopted, which motion prevailed, and said resolution was adopted.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Inzer	Overton
Bonner	Garth	Johnson	Pelham
Brooks	Griffith	Jones (Barbour)	Powell
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Duncan	Hutson	Oliver	Waddell
Ellis			

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Nays:—None.

Mr. Bonner offered the following Senate Resolution:

S. R. 9. Resolved That the standing committees of the Senate recommended for election by Lieutenant Governor-elect Chas. S. McDowell, Jr., in written communication herewith submitted in compliance with Senate Resolution No. 1, be now elected as so reported, and are hereby declared to be the standing committees of the Senate.

And moved that said resolution be adopted, which motion prevailed and said resolution was put upon its immediate passage and adopted by the Senate.

Yeas, 32; Nays, 3.

Yeas:

Messrs:

Bonner	Foster	Inzer	Oliver
Brooks	Garth	Johnson	Overton
Caffey	Griffith	Jones (Barbour)	Pelham
Carlton	Hildreth	Jones (Conecuh)	Powell
Carmichael	Horton	Martin	Randall
Craft	Howle	Middleton	Slone
Duncan	Hudgens	McNeil	Tunstall
Ellis	Hutson	Nolen	Waddell

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Nays:

Messrs:

Adams	Brower	Teasley
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And the following committees submitted by Lieutenant Governor-elect, Charles S. McDowell, Jr., were elected and declared to be the standing committees of the Senate for this session:

STATE CAPITOL.

Montgomery, Alabama, January the 9th, A. D., 1923.

To the Senate of Alabama:

In compliance with Senate Resolution No. 1, I have the honor to recommend to you for election the several Senators hereinafter named, to constitute the respective standing com-

mittees of this Senate. The first Senator named on each committee, respectively, to be the chairman, as follows:

1. On the Judiciary, to consist of eleven members: Foster, Hutson, Inzer, Tunstall, Hildreth, Brooks, Bonner, Powell, Carmichael, Martin, Waddell.

2. On Revision of Laws, to consist of eleven members: Powell, Nolen, Overton, Jones, of Conecuh, Hutson, McNeil, Ellis, Middleton, Duncan, Garth, Brower.

3. On Constitution and Constitutional Revision and Amendments, to consist of eleven members: Tunstall, Hildreth, Waddell, Bonner, Oliver, Carlton, Powell, Griffith, McNeil, Garth, Caffey.

4. On Finance and Taxation, including accounts and claims, fees and salaries, and contingent fund, to consist of eleven members: Ellis, Foster, Garth, Martin, Brooks, Inzer, Oliver, Randall, Carlton, Powell, Hildreth.

5. On Banking and Insurance, to consist of seven members: Duncan, Horton, Randall, Teasley, Nolen, Slone, Brower.

6. On Penitentiary, Prison and Prison Punishment, to consist of nine members: Jones of Conecuh, Griffith, Overton, McNeil, Brower, Duncan, Randall, Craft, Howle.

7. On Corporations, to consist of five members: Overton, Tunstall, Garth, Jones, of Conecuh, Brower.

8. On Local Legislation, to consist of seven members: Brooks, Bonner, Hutson, Adams, Duncan, McNeil, Teasley.

9. On Education, to consist of thirteen members: Inzer, Brooks, Duncan, McNeil, Horton, Martin, Ellis, Randall, Bonner, Slone, Hutson, Carmichael, Johnson.

10. On Commerce and Common Carriers, to consist of seven members: Oliver, Overton, Foster, Johnson, Griffith, Jones of Conecuh, Randall.

11. On Mining and Manufactories, to consist of five members: Waddell, Tunstall, Garth, Carlton, Brower.

12. On Agriculture, to consist of seven members: Garth, Hudgens, Johnson, Horton, Nolen, Caffey, Pelham.

13. On Municipalities and Municipal Organization, including Charitable Institutions, to consist of five members: McNeil, Horton, Duncan, Griffith, Nolen.

14. On Counties and County Boundaries, to consist of five members: Griffith, Johnson, Horton, Pelham, McNeil.

15. On Immigration and Industrial Resources, to consist of five members: Hudgens, Caffey, Howle, Brower, Jones of Barbour.

16. On Public Buildings and Grounds, to consist of five members: Howle, Hudgens, Jones of Barbour, Carmichael, Teasley.

17. On Privileges and Elections, including grievances, disabilities and registration, to consist of eleven members: Carlton, Garth, Hildreth, Adams, Caffey, Jones of Barbour, Tunstall, Foster, Brower, Waddell, Teasley.

18. On Printing, to consist of five members: Johnson, Pelham, Adams, Caffey, Hudgens.

19. On Public Health, to consist of five members: Randall, Oliver, Powell, Brooks, Waddell.

20. On Military, to consist of three members: Carmichael, Duncan, Overton.

21. On Temperance, to consist of nine members: Bonner, Martin, Caffey, Carmichael, Powell, Slone, Brooks, Inzer, Hutson.

22. On Engrossed Bills, to consist of three members: Middleton, Inzer, Powell.

23. On Enrolled Bills, to consist of three members: Horton, Brooks, Hildreth.

24. On Revision of the Journal, to consist of five members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the General Assembly and report whether the Journal contains the entries in reference thereto required by the Constitution: Jones of Conecuh, Griffith, Bonner, Middleton, Powell,

25. On Public Roads and Highways, to consist of eleven members: Craft, Nolen, Garth, Middleton, Johnson, Hudgens, Overton, Slone, Pelham, Howle, Jones of Barbour.

26. On Fish, Game and Forestry, to consist of five members: Pelham, Horton, Hildreth, Craft, Waddell.

27. On Rules, to consist of five members, with the right to report at any time: Martin, Ellis, Waddell, Foster, Tunstall.

Respectfully submitted,

Charles S. McDowell, Jr.,
Lieutenant Governor-elect.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bonner:

S. 1. To prohibit any and all forms of amusements on Sunday where an admission fee is charged and to provide punishments for violation thereof, and to repeal all general, special or local laws in conflict therewith, and to repeal any part or parts of any Act or Acts creating city commissions, in conflict with the provisions thereof.

Temperance.

By Mr. Brower:

S. 2. To repeal Section 2069 of the Code of Alabama of 1907.

Finance and Taxation.

By Mr. Brower:

S. 3. To amend Section 5487 of the Code of Alabama, 1907.

Commerce and Common Carriers.

By Mr. Brower:

S. 4. To amend Section 7684 of the Code of Alabama of 1907.

Commerce and Common Carriers.

By Mr. Pelham:

S. 5. To repeal sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108 of an act to provide for the general revenue of the State of Alabama approved September 15th, 1919.

Finance and Taxation.

By Mr. Waddell:

S. 6. To provide for the organization, regulation and government of the State Bar including admissions and disbarment of lawyers.

Judiciary.

By Mr. Teasley:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Finance and Taxation.

By Mr. Teasley:

S. 8. To amend section 6196 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Brower:

S. 9. To amend Section 6032 of the Code of Alabama.

Revision of Laws.

By Mr. Brower:

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as

made, by the municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Revision of Laws.

By Mr. Hutson:

S. 11. To authorize and empower the Council of cities of less than six thousand population to appropriate moneys from the general fund with which to build; add to, or improve post office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Municipalities and Municipal Organization.

Mr. Inzer offered the following Joint Resolution:

S. J. R. 10. Be it resolved by the Senate, the House concurring, that

First: There be and is hereby created a Joint Inaugural Committee to be composed of five members of the Senate and seven members of the House of Representatives.

Second: That the said Joint Inaugural Committee shall take such steps as they may deem necessary for the proper inauguration of the incoming Governor and Lieutenant Governor and report back to the Legislature its recommendations for such action as the Legislature may see fit to take.

Which resolution was, under a suspension of the rules, unanimously adopted by the Senate, and the President appointed as members of said committee on part of the Senate, Messrs. Inzer, Foster, Griffith, Horton and Teasley.

Mr. Foster offered the following Joint Resolution:

S. J. R. 11. Resolved by the Senate, the House concurring that when the two Houses adjourn today, that they adjourn to meet at 10 o'clock A. M., on Monday, January 15th, 1923.

Which was, under a suspension of the rules, unanimously adopted by the Senate, and ordered sent forthwith to the House.

MESSAGE FROM THE GOVERNOR.

To the Legislature of Alabama:

In connection with the duties devolving on me in the general supervision of all departments of the State government, my attention comes to the Public Service Commission.

The Legislature placed upon the commission under the Alabama Public Utility Act of 1920 greatly enlarged powers, duties and responsibilities in the control and regulation of public utilities. One of the most important and responsible of such duties is that of finding and fixing a valuation of the properties of the several utilities as a basis for fixing their rates.

I find that in the case of the largest utility in the State, the Alabama Power Company, a majority of the commission consisting of the two Associate Commissioners, undertook by an order issued by them on December 13, 1922, to give the property of such company a valuation for rate-making purposes in the sum of \$33,843,252.

An inspection of the record in this proceeding shows the following:

First: That, leaving out of consideration the undeveloped water powers, which the Associate Commissioners say in their opinion were not included, they have placed on the property of this company a value in excess of that found by any of the several consulting engineers employed in the case, including those employed by the Power Company itself, and in excess of the figures contained in the Power Company's own statement of cost. The president of the commission, its consulting engineer and its accountant, vigorously protested against this action on the ground that the company had never furnished for their examination and analysis, all of the original records showing the cost of its property, although demand had been made for such records in accordance with the law.

The company's own statement shows that the total cost of labor, material, etc., of their properties was \$17,095,926. There is no sound basis on which the two Associate Commissioners could have added the difference between this cost of the physical plant in such sum of \$17,095,926 and the valuation which they fixed of \$33,843,252, except for intangibles, going concern value, developed water power and certain overhead expenses which the power company contends is not included in the property account on their books. The commission's accountant, under oath, shows that although demand for such records had been made, the company has never furnished its original records to substantiate the company's claim that its physical plant, covering such total cost of labor, material, etc., is justified, and that such records do not include more or less of those sums claimed in addition for intangibles, for which intangibles the two Associate Commissioners must have allowed in excess of \$6,000,000. It stands to reason that neither the commission's accountant nor the commission could determine what sum claimed by the company for such intangibles should have been properly allowed, unless and until the commission had been given access to the company's original records showing all original entries as to what constituted the sum of \$17,095,926 claimed for the physical plant.

The Associate Commissioners allowed for such intangibles, among other things the sum of \$2,410,652 for developed water power. That is an allowance over and above the value of physical property and plant and represents the value of the water power or water rights, which amounts to the company being allowed to capitalize the natural resources of the State, on which the consumers will forever be compelled to pay a return.

These and many such similar things are such as to lead me to the conclusion that the valuation named by the two Associate Commissioners has been fixed without having before them all the evidence which the law requires, and without due regard for the requirements of the law applying to such cases, and that allowances of value have been made by them which are not justified.

Second: That the power company had not in fact made all such records available for examination and analysis by the regular engineer and accountant of the commission, who are employed by the State. The State engineer and its accountant stated under oath before the commission on December 12, 1922, the day before this order was issued, that a certain ledger of the company on that day produced, had never before been made available to them, and that on that occasion, they were scarcely allowed by the company's officials to get more than a glimpse of such records over the shoulders of such officials; that as soon as the company had made a technical production of this ledger before the commission, and without time or opportunity there-

after being given for the State's consulting engineer and accountant to examine and analyze this record and to require the production of the original journal entries behind the ledger, which the ledger itself showed did exist, the company's officials bundled up such ledger and carried it away with them; that the Associate Commissioners on the following day issued their order while the State's accountant was in Birmingham under the orders of the president of the commission, trying still to get access to the company's records. The ledger of which the commission and its experts were given little more than a bird's eye view, contained six ledger entries which totaled over sixteen million dollars, all of which the company was insisting should be taken as a part of the value of their property to be fixed by the commission. Such ledger entries, like the usual ledger entries of other business concerns, did not show nor set out in detail what items of property they covered, but did show, and the company's president and treasurer admitted, that there were behind these entries original or journal voucher sheets. The company produced only one of such journal voucher sheets, and there remained some seven millions of dollars contained in such ledger entries for which no supporting original records were ever offered by the company or made available to the commission's engineer and accountant, although the same had been demanded.

It is true that the company's officials, or some of them, did declare in a general way, that they had made all their records available to the commission's experts. You will hardly be satisfied that this is true in face of the positive, specific oaths of the State's engineer and accountant that the specific record produced at the eleventh hour before the commission and in the manner above stated had never before been made available to them.

It may properly be said in this connection that it is always an evidence of bad faith with the public for a public utility to deny to the commission, its engineers and accountants, access to any of their records.

It appears from the commission's records that another large utility in the State, the Mobile Gas Company, had within the past few days, following the example set by the powerful power company, denied to the commission's authorized representative access to its records. Such conduct can lead to but one conclusion, that the utility guilty of it has something to fear from a full and complete examination and analysis of its records in so far as its valuation is concerned.

If the Utility Act of 1920 is not amply sufficient to enable the State's commission to gain access, whenever it deems proper in the public interest, to all the records and plant of any public utility then I recommend that you make it so, beyond any doubt whatever. This is absolutely necessary in the public interest.

It further appears in the matter of the valuation of the property of the Alabama Power Company by the Associate Commissioners that their seventeen page opinion issued by them as the basis on which they found their valuation, was prepared by them not in conference with the president of the commission and that he was never allowed to see the opinion until after they had adopted it; that such opinion and order were not even prepared in the offices of the commission but in a room of a hotel in Montgomery; that although such opinion and order involved matters of the most technical nature, they never submitted it before adoption to the State's expert engineer and accountant for their analysis or suggestion; that although such opinion and order involve the most difficult and complicated questions of law, they never submitted it before adoption to the Attorney General of the State, or any of his staff, for analysis or suggestions as to whether they had conformed to the law governing such difficult cases.

There is, therefore, the strongest reason to believe that this valuation fixed by the Associate Commissioners had not been made in accordance with

the law and can not be accepted without the very greatest suspicion as to its correctness.

Engineers familiar with this property and in a position to judge of its fair value through their reports indicate that, in their judgment, the valuation fixed by the Associate Commissioners is approximately six million dollars in excess of its fair value. If their judgment is correct, the public must pay to the stockholders of the power company a tribute yearly and perpetually of approximately a half million dollars which would be nothing less than legalized robbery of the people.

There is good reason to believe that since this order was issued, propaganda has been broadcast over the State which is calculated to deceive the people in regard to this matter. Among such propaganda is this:

That it is to the interest of the people that the commission find a high valuation because the company will thereby pay more taxes into the State's treasury. This can only deceive the unthinking and uninformed man. The law requires that rates must be fixed for public utilities high enough to cover all their costs of operation and also give them a fair return on the fair value of their property. Taxes must be allowed to the company as a part of its cost of operation and it is plain that such taxes will be paid by those who pay the rates for lights, power, etc., and not in fact by the company and its stockholders. So it makes but little difference to the company whether its taxes are on a high or a low basis because its customers must pay rates which include the taxes.

What will be the effect of such valuation? Based upon the operating report of the company for the first six months of 1922, which is all that is available now, and doubling to represent the year, the new value found by the commission, with additions of property added, will make a total of approximately forty-three millions of dollars, on which to figure the return. Using the rate of return of seven per cent only, there will be a deficit in the 1922 operation of this utility of approximately \$1,250,000. This deficit would have to be provided for by an increase in the gross revenue of at least 25% which would mean increased rates on everything the power company sells, with higher bills for the public to pay.

How long must this valuation control in the matter of the rates for light and power which the public must pay? I will not undertake to say. The Utility Act of 1920, section 16, contains in substance the following language: After the valuation is fixed by final order of the commission, it shall for all future rate making purposes be the permanent basic valuation of the property of such utility. This part of the Act has never been construed by the courts. There seems to be quite a difference of opinion among both lawyers and engineers as to what this provision does mean. It certainly seems to be open to a construction that when such a final order of valuation is made by the commission, such figure will continue thereafter to exert a greatly controlling influence in determining a valuation of the utility's property on any future date.

What remedy or right of review of any such order has the public? The Act clearly gives the utility a right of protest and rehearing. Under section 61, there appears to be a right of rehearing given to the public although contention has been made that this section does not apply to orders fixing valuation. Certainly the Legislature which passed such law must have intended that the public, as well as the utility, should have this right of protest and rehearing.

Think, gentlemen, of the enormity of this thing. A finding by a body created for the protection of the public that has the effect of transferring from the pockets of the public to the pockets of a great corporation four or five hundred thousand dollars every twelve months for an indefinite and perhaps very long period of time.

It is one of the most dastardly outrages ever perpetrated on a free people. I know of nothing in the history of Alabama since reconstruction days when the carpet-bagger exploited our people that approaches it in brazen and disgraceful disregard of the interests of the people. I have requested the Attorney General to take cognizance of the matter with a view to using every legal power of the State in an effort to set aside this action of the commission and bring about a rehearing of the case and a re-valuation of the property. In the meantime, I earnestly recommend that a joint committee of the Senate and House of Representatives be appointed for the purpose of investigating the entire matter and reporting its findings with recommendations for appropriate action of the Legislature for the protection of the interests of the people of the State. All right thinking people want our State developed and they want to be fair and just to the developers but they require at the same time fairness and justice to the State and its people.

Respectfully,
Thos. E. Kilby,
Governor.

January 10, 1923.

GOVERNOR'S MESSAGE AND RESOLUTION.

The foregoing message from His Excellency, the Governor, was read, and,

Mr. Craft offered the following Senate Resolution thereon:

S. J. R. 12. Be it resolved, by the Senate, the House concurring, that a joint committee of 5 from the Senate and 7 from the House, be appointed by the President of the Senate and Speaker of the House, to consider the Governor's Message with reference to the Alabama Power Company's valuation.

Which resolution was, under a suspension of the rules, adopted by the Senate.

RESOLUTIONS.

Mr. Adams offered the following Senate Resolution:

S. R. 13. Be it resolved, That the membership of the standing Committee on Finance and Taxation be increased by three members—one from Montgomery, one from Jefferson, one from Mobile.

And moved suspension of the rules and that said resolution be put upon its immediate passage, which motion prevailed and said resolution was adopted.

Yeas, 25; Nays, 9.

Yeas:

Messrs:

Adams

Brooks

Brower

Caffey

Carmichael

Craft

Duncan

Ellis

Foster

Horton

Hudgens

Hutson

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)

Martin

McNeil

Overton

Pelham

Powell

Randall

Teasley

Tunstall

Waddell

Nays:
Messrs:
Bonner
Carlton
Garth

Griffith
Hildreth

Middleton
Nolen

Oliver
Stone

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Mr. Griffith offered the following Resolution:

S. R. 14. Be it resolved by the Senate of Alabama, that a committee of three be appointed by the President whose duty it shall be to cause a Minister to be present at the opening session each day to open the session of the Senate of Alabama with prayer.

Which resolution was, under a suspension of the rules adopted by the Senate.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

According to the provisions of Section 266 of the Constitution, vacancies occurring in the office of the trustees of the Alabama Polytechnic Institute shall be filled by appointment of the Governor, by and with the consent of the Senate.

I, therefore, report to you the appointment of the following trustees for the Alabama Polytechnic Institute:

W. F. Feagin, of the 2nd District, for term ending January, 1935; to succeed himself.

J. A. Rogers, of the 6th District, for term ending January, 1935; to succeed himself.

C. M. Sherrod, of the 8th District, for term ending January, 1935; to succeed himself.

I submit these appointments for your consideration and confirmation.

Respectfully submitted,

(Signed)

Thos. E. Kilby,
Governor.

January 9, 1923.

GOVERNOR'S MESSAGE.

The foregoing Message from His Excellency, the Governor, reporting the appointment of Trustees for the Alabama Polytechnic Institute, was read, and

Mr. Brooks moved that said Governor's Message be referred to the standing Committee on Rules.

Mr. Waddell moved that the motion made by Mr. Brooks be laid upon the table, which motion was lost.

Yeas, 12; Nays, 23.

Yeas:
Messrs:
Bonner
Brower
Caffey

Craft
Duncan
Griffith

Hudgens
Johnson
Jones (Barbour)

Middleton
Tunstall
Waddell

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Nays:

Messrs:

Adams	Garth	Jones (Conecuh)	Pelham
Brooks	Hildreth	Martin	Powell
Carlton	Horton	McNeil	Randall
Carmichael	Howle	Nolen	Slone
Ellis	Hutson	Oliver	Teasley
Foster	Inzer	Overton	

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And the motion made by Mr. Brooks then prevailed and said Governor's Message reporting the appointment of Trustees for the Alabama Polytechnic Institute was referred to the standing Committee on Rules.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

According to the provisions of section 1935 of the Code of 1907, vacancies occurring in the office of the trustees of the Alabama School for the Deaf and Blind at Talladega shall be filled by appointment of the Governor, by and with the consent of the Senate.

I, therefore, report to you the appointment of the following trustees for the Alabama School for the Deaf and Blind:

Frank O. Deese, for the Third District, to fill vacancy caused by the death of General George P. Harrison, for term ending November 28, 1926.

L. J. Lawson, Jr., for the Sixth District, for the term ending November 28, 1928.

J. B. Bell, for the Fifth District, for the term ending November 28, 1928.

R. Heine, for the Fourth District, for the term ending November 28, 1928.

I submit these appointments for your consideration and confirmation.

Respectfully,

(Signed)

Thos. E. Kilby,
Governor.

January 9, 1923.

GOVERNOR'S MESSAGE.

The foregoing Message from His Excellency, the Governor, was read and referred to the standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 11.

By Mr. Foster:

Resolved by the Senate, the House Concurring, that when the two Houses adjourn to-day they adjourn to meet at 10 o'clock A. M., on Monday, January 15th, 1923.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE GOVERNOR.

To the Legislature of Alabama:

During the past week there has been floating around a line of propaganda that is dangerous to the good name of Alabama. It relates to the matter of the system of leasing convicts for hire. This black spot on the reputation of the State was wiped out by the Legislature by Acts approved September 23, 1919 and October 29, 1921. I wish to emphasize what I wrote on the subject in my general message sent to you yesterday:

CONVICT LEASE SYSTEM

By an Act of the Legislature approved September 23, 1919, it was made unlawful for any person to lease or let for hire any State or county convict to any person, firm or corporation after January 1, 1923. By an Act approved October 29, 1921 the time was extended one year. There has been much misapprehension throughout the State as to the effect of these Acts. The impression is quite general that the law forbids the working of convicts in coal mines after January 1, 1924. A casual reading of the law shows that it does no such thing. The law forbids the leasing of convicts after January 1, 1924, to any one for any purpose, but it does not prohibit the State from working convicts in mines provided they are not leased or let for hire.

The effect of this legislation is to abolish the convict lease system, but it permits what is known as the contract system. Under the law it would be possible for the State authorities to contract with a coal operator to mine, load and deliver coal at the mouth of the mine at so much per ton.

I have never been infected with the maudlin sentimentalism that is responsible for the doctrine that it is cruel and barbarous to work convicts in mines, that the convict should never be deprived of the open air and sunlight which is denied thousands of honest free workmen who choose mining as their business in life. But, I do believe that the convict should not be sent in to the mines except under conditions that will absolutely insure his good and humane treatment.

I have thought that the working of convicts in mines under the contract system would be safe and just to the convict, but with the light of a longer and broader experience and earnest consideration I have become convinced that no convict should be sent in to the mines except under conditions that remove him absolutely beyond the control and interest of any private person whatsoever. The only safe and justifiable conditions under which convicts can be worked at coal mining would be in mines owned or leased by the State and operated independently of all outside interests. I therefore recommend that the Act of September 23, 1919 be further amended so as to forbid the working of convicts in any other than State-owned or leased mines.

The effect of such amendment would be to leave on the hands of the State a large number of convicts without means for their employment. That situation could be met by the lease of coal lands of the University, or the purchase or lease of coal lands more advantageously situated, and the development of mines thereon.

Another way to meet the situation would be to double or treble the size of the State cotton mills and develop other manufacturing establishments. A good start in that direction has been made in the building of a 10,000 spindle mill, a shirt factory and a dye works at the new prison which will give employment to nine hundred men. No other employment will be as remunerative as coal mining, but that fact should not deter the Legislature from the performance of a plain duty. The taxpayers of Alabama are able and I believe are willing to get along without the use of anything that looks like "blood money."

There is no question that certain interests are working to turn about the forward steps taken by your predecessors. Alabama is the last state in the Union to give up the system of hiring out unfortunate men to labor for fortunate men. Surely no man in the Legislature or out of it would have the hardihood to defend the system on any other ground than that it saves money to the taxpayer. There is no other possible ground on which it can be defended but there are scores of reasons which may be cited to justify its abolishment, among them the following:

- (1) The lease system is a relic of the days of barbarism.
- (2) Alabama is the only state in the Union leasing convicts.
- (3) If Alabama is right, the other 47 states are wrong.
- (4) It barter the lives of human beings for gain.
- (5) Such gain may be properly termed "blood money."
- (6) Public sentiment demands its abolishment.
- (7) Leased convicts are not directly under the control of the State while at work.
- (8) They are frequently subjected to mistreatment and the State and convicts are without recourse.
- (9) Convicts are sentenced to protect society, to punish the offender, and reclaim him.
- (10) While the lease system may protect society and punish, it can lay no claim to furthering the reclamation and rehabilitation of the offender.

It is said that the State is not able to get along without the hire of convicts. My answer is that the State is abundantly able to support itself without calling on the poor devils in the penitentiary to help.

There are 3,000 men and women in the penitentiary; there are two and a half million persons out of it. The suggestion that these millions are dependent upon a handful of unfortunate convicts to earn the money for the support of their government is an insult to the law-abiding, self-supporting and self-respecting citizens of the State.

Gentlemen of the Legislature, if you take one backward step in this matter it will be heralded to every nook and corner of this nation and to the world to the shame and disgrace of the State.

I earnestly beg you to save the State from this disgrace.

Respectfully,
Thos. E. Kilby,
Governor.

January 10, 1923.

GOVERNOR'S MESSAGE.

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 10, relative to the appointment of Inaugural Committee, and the Speaker names on part of the House, Messrs. Ashcraft of Lauderdale, Goodwyn, Verner, Fite, Walker, Tyson and Patterson. And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 12:30 P. M., on motion of Mr. Adams and pursuant to S. J. R. No. 11, heretofore adopted, the Senate adjourned until 10 o'clock A. M., Monday, January 15th, 1923.

THIRD DAY.

Monday, January 15th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor Miller presiding.

PRAYER.

By Rev. Dr. Jones of the City.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Martin	Randall
Caffey	Hildreth	Middleton	Slone
Carlton	Horton	McNeil	Teasley
Carmichael	Howle	Nolen	Tunstall
Craft	Hudgens	Oliver	Waddell
Duncan	Hutson		

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JOURNAL.

On motion of Mr. Ellis the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 12. To repeal an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," approved February 13, 1919.

Judiciary.

By Mr. Griffith:

S. 13. To abolish the office of County Tax Adjuster in the several counties of the State of Alabama, created by the Act of the Legislature, approved September 15, 1919.

Finance and Taxation.

By Mr. Griffith:

S. 14. To repeal an Act entitled "An Act to authorize the Governor to employ a special force of not more than ten men to serve under his immediate direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, and to provide compensation for their services," approved September 30, 1919.

Judiciary.

By Mr. Griffith:

S. 15. To abolish the office of "District Attendance Officer" in the public schools of the State, created by the Act of the Legislature, approved September 25, 1919.

Education.

By Mr. Hutson:

S. 16. To repeal an Act to authorize the Governor to employ a special force of not more than ten men to serve under his immediate direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, and to provide compensation for their services. Passed by the Legislature of Alabama at the session of 1919, and approved September 30, 1919.

Judiciary.

By Mr. Hutson:

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds, contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

Banking and Insurance.

By Mr. Brower:

S. 18. To Amend an Act entitled "An Act to enlarge the authority, powers, and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the pub-

lic interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants, franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act, by amending sections 14 and 16 thereof.

Judiciary.

By Mr. Brower:

S. 19. Relating to desertion or non-support of wives by husbands and of children by parents in all counties of this State which now have a population of two hundred thousand, or more, according to the last Federal Census, or which shall have such population or more, according to any such census taken hereafter, and in which counties the Circuit Court is now or may hereafter be composed of one county and which courts now have or which may hereafter have a division of domestic relations; to make it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or neglect to provide for the support of his or her child or children under eighteen years of age in such counties; to prescribe the penalty therefor; to define who are meant by parent or parents; to designate the courts which shall have original and exclusive jurisdiction to try such misdemeanors in such counties; to prescribe the procedure and authority of such courts and judges in such cases; to define the obligation of such counties in such cases; to provide for the apprehension and punishment of persons charged with or convicted of such offense; to provide for the taking of probation bonds, and directing to whom fines and proceeds of such probation bonds, when forfeited and collected, shall be paid in such cases; to provide for recording probation bonds, and the effect thereof; to provide for the appointment or designation of probation officers and prescribing their duties and authority in such cases; to provide that the sheriffs and other peace officers of such counties shall act as probation officers in certain contingencies; to determine the venue in such cases; and to prescribe the rules of evidence therein; to fix the time when this act shall go into effect.

Revision of Laws.

By Mr. Brower:

S. 20. Relating to Circuit Courts composed of one County, and which counties now have a population of two hundred thousand people, or more, according to the last Federal Census, or which shall hereafter have a population of two hundred thousand people, or more, according to any such census hereafter

taken; to confer additional jurisdiction on such courts, and the judges thereof, and to provide the means and manner of its exercise; to create in such courts, in addition to the divisions which such courts now have a division of domestic relations; to provide what cases shall, and shall not, be docketed and tried in such divisions; to further regulate the procedure in such Courts, and to authorize the judge of said domestic relations divisions to determine the form of its records, and to adopt rules of procedure not otherwise provided for herein; to provide for the appointment and subsequent election of a judge to preside over said divisions, which judge shall be in addition to the judges now provided by law for such Courts, and to provide for his compensation; to provide for the performance of the duties of Registers, Clerks and Deputies for such divisions and their necessary office help, and for their compensation; to provide for juries and jury trials in such divisions; to provide that such domestic relations division shall hold its sessions both at the County Site, and at such other place in such counties as sessions of a branch or division of said Circuit Courts are now held in such counties, and to fix the time that such domestic relations division of said Court shall be held at said respective places; to provide for the appointment of a deputy solicitor for such division, and for his compensation; to provide for the stay or suspension of sentences, and for the probation of offenders, who plead guilty, or are convicted in such domestic relations divisions, to provide that the said domestic relations divisions of such Courts shall always be open for the transaction of the business of such divisions; to provide for vacation periods for the judges of such divisions, and for the manner of supplying a judge for such division during such vacation, or other absence; to regulate the taxing of costs in such divisions, and the effect thereof as to the compensation of the officers and employees of said domestic relations divisions; to regulate appeals from judgments and decrees rendered in such divisions; to provide for the transfer to the jurisdiction of such Courts all causes pending in Juvenile Courts in such Counties, and all wards and probationers of such Courts; to provide that if any section or other part of this act shall be declared unconstitutional, that such decision shall not affect the remainder thereof; to repeal all laws and parts of laws inconsistent, or in conflict with this act, and to designate when this act shall take effect.

Revision of Laws.

By Mr. Brower:

S. 21. Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as two hundred thousand people according to the last Federal Census, or which shall have such population according

to any such census that may be taken hereafter, and in which counties the Circuit Court is now, or may hereafter be composed of one county, and in which the Circuit Court of such counties now has, or in which said Circuit Court shall hereafter have a division of domestic relations; to define who are dependent, neglected, or delinquent children; to declare that such children shall be wards of the Circuit Court of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such Circuit Courts in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions, or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make such rules and regulations, and to devise and have printed, such records and forms, where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the Detention Home or Parental School, or for the conduct of probation officers or their work as provided for in this Act; to make it a misdemeanor by act, or omission, or otherwise to aid, abet, cause, connive at or contribute to the dependency, neglect or delinquency of such children, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunctions in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in dealing with the children described herein shall be in Equity, and Civil in their nature and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction when the Court, after investigation or trial, is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a Detention Home or Parental School, and for the appointment and compensation of probation officers, and

for other expenses incident to the purposes of this Act; to provide for the appointment of a referee or referees, and to define their powers and duties; to declare when this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent, or in conflict with this Act.

Revision of Laws.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Sollie:

H. J. R. 3. Resolved by the House, the Senate concurring, that the Secretary of State be and is hereby requested to furnish each member of the Senate and House a copy of the Code of 1907, and all acts since and including 1907.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House Joint Resolution No. 3, set out in the foregoing message from the House, was read one time and referred to the standing Committee on Rules.

RESOLUTIONS.

Mr. Duncan offered the following Senate Joint Resolution:

S. J. R. 15. Be it Resolved by the Senate of Alabama, the House concurring, that the Legislature go on record as favoring the acceptance of the Ford offer for Muscle Shoals and that a committee of five members, two from the Senate and three from the House, be appointed with instructions to draft a resolution urging Congress to accept said offer.

Which was, under a suspension of the rules, unanimously adopted by the Senate.

Mr. Craft offered the following Senate Resolution:

RESOLUTION OF TRIBUTE TO GOV. N. L. MILLER.

S. R. 16. Whereas the Senate of the State of Alabama has had the pleasure and patriotic service of Nathan L. Miller, Lieutenant Governor and President of the Senate, and whereas his uniform courtesy and impartial rulings to each member of the Senate has been one of the pleasures in the discharge of our duties.

Therefore, be it resolved, that in parting from this distinguished son of Alabama we wish for him and his family, health, happiness and contentment.

Be it further resolved we wish for him in his business and professional life prosperity and the successful achievements in his endeavors.

Be it further resolved that we wish for him, should he ever be called on to serve his State or County, that his fondest ambitions shall be gratified.

Which was under a suspension of the rules, unanimously adopted by the Senate, and on motion of Mr. Craft, said Resolution was ordered engrossed and a copy thereof sent by the Secretary of the Senate to Lieutenant Governor Miller and his family.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

In accordance with the provisions of Section 843 of the Code of 1907, I send you herewith the names of the following trustees elected for the Alabama Insane Hospitals:

Mr. Robert Jemison, Sr., Birmingham, Alabama, elected 1921.

Dr. Sidney J. Leach, Tuscaloosa, Alabama, elected 1919.

Hon. C. B. Verner, Tuscaloosa, Alabama, re-elected 1919.

Dr. C. A. Thigpen, Montgomery, Alabama, re-elected 1920.

Dr. P. J. M. Acker, Mobile, Alabama, elected 1921.

Hon. J. Manley Foster, Tuscaloosa, Alabama, re-elected 1922.

I submit these appointments for your consideration and confirmation.

Respectfully,

Thos. E. Kilby,
Governor.

January 15, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. McNeil, the Senate confirmed the appointment of His Excellency, the Governor, of the following Trustees elected for the Alabama Insane Hospitals, to-wit:

Mr. Robert Jemison, Sr., Birmingham, Alabama, elected 1921.

Dr. Sidney J. Leach, Tuscaloosa, Alabama, elected 1919.

Hon. C. B. Verner, Tuscaloosa, Alabama, re-elected 1919.

Dr. C. A. Thigpen, Montgomery, Alabama, re-elected 1920.

Dr. P. J. M. Acker, Mobile, Alabama, elected 1921.

Hon. J. Manly Foster, Tuscaloosa, Alabama, re-elected 1922.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams Brower

Bonner Caffey

Brooks Carlton

Craft

Duncan

Garth

Griffith

Hildreth

Horton

Howle	Jones (Barbour)	Oliver	Slone
Hudgens	Martin	Overton	Teasley
Hutson	Middleton	Pelham	Tunstall
Inzer	McNeil	Powell	Waddell
Johnson	Nolen	Randall	

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Nays:—None.

MESSAGE FROM THE GOVERNOR.

To the Legislature of Alabama:

"I am writing you this to suggest that we get together and have a call for all of the outgoing and incoming Sheriffs of the State, to meet in Montgomery at an early date, for the purpose of discussing these matters, and also for the purpose of new legislation and bringing pressure to bear upon the incoming administration to make settlements and payments of the past due bills of the outgoing sheriffs, as well as making provision for the protection of the new incoming Sheriffs. Please let me hear from you as to what you think of my plan."

The above is quoted from a letter which is in my possession signed by the sheriff of Pike County and addressed to the sheriff of County and dated January 4, 1923.

This letter was written subsequent to a meeting of sheriffs-elect held in Montgomery recently which was given much publicity. It is obvious that a concerted effort is being planned for forcing, by the use of "pressure", the prisoners in the county jails to divide their rations with their keepers, the sheriffs.

Prior to 1919 sheriffs were paid certain fees for feeding prisoners ranging from sixty cents a day down to thirty cents based on the number of prisoners. No restrictions whatever were placed about the feeding of prisoners. The sheriffs could invest less than ten cents a day in the food for each prisoner and collect the full amount permitted by law, the profit going to themselves.

It is a notorious fact that many sheriffs made huge profits from the feeding of prisoners and that in many instances prisoners were unable to obtain sufficient food to relieve their hunger.

The legislature of 1920 enacted a law giving the prison inspection department authority to supervise the feeding of prisoners and requiring the sheriffs to expend the full amount allowed by law for food. This law provides the same amounts for the feeding of prisoners but requires the sheriff to expend every penny in feeding prisoners and does not permit him to make a profit from feed bills.

A sheriff is required to submit to the prison inspection department statements showing the cost of the food which has been used during each month, just as other state and county officers are required to account for the public funds they handle. When these statements have been filed and all requirements of the prison inspection department have been met, the sheriff is permitted to collect, in addition to the actual amount paid for food, a fee covering his services in preparing and serving the food. This fee is regulated by the number of prisoners. Where the number is under twenty, ten cents is paid for each prisoner; for the number above twenty and under forty, seven and one-half cents each is paid; where the number is above forty and under fifty, five cents is paid; where the number is above fifty, no additional compensation is allowed.

Since the state still allows the same amounts for food and provides additional compensation to the sheriffs for their services in preparing the food, one is forced to ask why the sheriffs gather in conference now and propose a return to the old system.

The answer is: The sheriffs engaged in this movement want the old law because it will mean additional revenue to them. It may be proper for public officials to seek to increase their emoluments, but I do not believe the people of Alabama or their representatives will stand for the return of a system which means fat purses for the sheriffs and empty stomachs for their prisoners.

The men who will become sheriffs January 15 can not furnish any argument in support of their proposal. When they were candidates for their positions in 1922 they knew the law. They knew they would be required to expend the state funds for food. They knew the feeding of prisoners would mean no great profit to them other than the fees expressly provided by law. A great majority of them are connected with sheriff's offices now and understand the law.

If the feeding law is repealed prisoners will be at the mercy of the sheriffs. In many counties there will be a return to the plan of giving only two meals a day and corn bread and syrup will become the daily menu. There will be no authority which can tell the sheriffs that they are starving these who are supposed to receive their protection, those who can not raise their voices in opposition because their voices can not go beyond the confines of the prisons which hold them.

This is not a new subject in Alabama. In 1906 Dr. Shirley Bragg wrote as follows:

"To see a man strong and healthy go into a jail in Alabama and in a few months come out a physical and mental wreck with death staring him in the face is not an overdrawn picture, and one seen more often than the general public would believe. The State appropriates thirty cents a day for the feeding of prisoners, and yet we receive prisoners from these same jails who are on the verge of a collapse for the want of nourishment. Surely there must be some way of reaching those in authority. There should be a jail inspector, perhaps two, with the power and authority to see that these places are kept in proper condition and that prisoners are properly fed. These inspectors should be men who know something about sanitation, and above all who would be fearless in the performance of their duties."

Dr. C. F. Bush, in 1909, made the following statement:

"The State of Alabama appropriates from thirty to forty cents per day (A sliding scale) for feeding prisoners. It is plain that the intent of the law is that each prisoner is to get that amount of food per day, but a very different condition exists. In the majority of jails the prisoners are given two meals per day—in a few jails three—and it is plain they are fed as cheaply as possible in order that the sheriffs may have a wide margin of profit on the feed bills. I have had several sheriffs to admit to me that, without the profit from the feed bill, they would not have the office, as it was one of their greatest sources of revenue."

In 1916 the following criticism of the old system was made by Dr. W. C. Oates:

"The law regulating the fees of the sheriffs for feeding prisoners in the jails in Alabama can be characterized by one word only—"Damnable."

Dr. Glen Andrews has written:

"This law relating to the feeding of prisoners which the legislature undoubtedly intended to result in the prisoners being amply fed, resulted in some cases in starvation. It has legalized graft. It has made the fee for feeding the most lucrative prerequisite in the sheriff's office. A number of sheriffs have told me that but for the feed bill the office of sheriff would not be worth anything to them."

Dr. C. H. Smith wrote November 4, 1922, as follows:

"Having been connected with the Convict Department at intervals since 1902 as local physician and for the last two years as physician inspector, I have had the opportunity of observing and examining all new arrivals in

the penitentiary. I wish to state that there is quite a contrast in the general appearance and physical condition of men on their reception now than that of a few years back. Formerly they made their appearance pale, weak and anemic, and their bodies covered with ulcers due to having been confined in vermin ridden, insanitary and poorly ventilated jails and the lack of a sufficient amount of a well balanced food. The above conditions lowered their vitality and rendered them more susceptible to tuberculosis and other constitutional diseases and necessitated them being kept out of the mines and mills until they could regain a normal state of health. I have noted quite a change for the better along these lines for the last few years."

I hope this matter will receive your most earnest and careful consideration. I cannot conceive of your abandoning a system which protects the lives and health of the prisoners and conserves the funds of the State and returning to a system that threatens their lives and destroys their health. If the sheriffs are not adequately paid for their services let them be paid more out of the public funds, not out of the dinner pails of the prisoners who are helpless in their keeping.

Respectfully,

Thos. E. Kilby,
Governor.

January 15, 1923.

GOVERNOR'S MESSAGE.

The foregoing message from His Excellency, the Governor, was read one time and referred to the standing Committee on Rules.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Legislature:

In compliance with the provisions of Section 124 of the Constitution, I send you herewith records showing my action in the matter of the remission of fines and forfeitures, and the issuance of reprieves, commutation of sentences, paroles and pardons, with my reasons therefor.

Respectfully,

Thos. E. Kilby,
Governor.

January 15, 1923.

GOVERNOR'S MESSAGE.

The foregoing message from His Excellency, the Governor, was read and, with the accompanying documents, referred to the standing Committee on Rules.

RESOLUTION.

Mr. Foster offered the following Senate Resolution:

S. R. 17. Resolved by the Senate, That the Doorkeeper of the Senate be and he is hereby instructed to secure from the Secretary of State copies of the Code of Alabama of 1907, and also copies of the Acts and Journals of each session of the Legislature since the adoption of the Code of 1907, for use in the office of the Secretary of the Senate.

Which was, under a suspension of the rules, unanimously adopted by the Senate.

ADJOURNMENT.

At 10:50 o'clock, on motion of Mr. Powell, the Senate adjourned until 10 o'clock to-morrow morning.

FOURTH DAY.

Tuesday, January 16th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Chester Johnson of the City.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Stone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeill	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

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JOURNAL.

On motion of Mr. Ellis, the reading of the journal of yesterday was dispensed with and same approved by the Senate.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Martin the privileges of the floor were granted to Mr. Espy of Henry.

On motion of Mr. Duncan the privileges of the floor were granted to Hon. Frank N. Julian of Colbert.

On motion of Mr. Waddell the privileges of the floor were extended to Hon. Guy Wynn and Hon. T. P. Wilkerson of Barbour.

On motion of Mr. Ellis the privileges of the floor were extended to Hon. Arch, McDowell of Barbour and former Senator Green of Morgan.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Inzer:

S. 22. To provide for the withdrawal of any deposit of Mutual Aid or Industrial Association or Corporation with the State when such Corporation or Association ceases to do business in the State and Re-insures its policy holders in this State.

Banking and Insurance.

By Mr. Foster:

S. 23. To authorize corporations organized under the laws of the State of Alabama, engaged in the business of lending money under special plans, to become industrial savings banks under and subject to the regulation, examination and supervision of the Banking Department of the State of Alabama and to regulate and provide for the business and taxation of such industrial savings banks.

Banking and Insurance.

By Mr. Foster:

S. 24. To amend Chapter 21 of the Code of 1907 relating to the Geological Survey.

Revision of Laws.

By Mr. Foster:

S. 25. To provide for the completion of the topographical survey and map of the State of Alabama.

Finance and Taxation.

By Mr. Foster:

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

Finance and Taxation.

By Mr. Foster:

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

Finance and Taxation.

By Mr. McNeil:

S. 28. To amend section 1188 of the Code of 1907.

Revision of Laws.

By Mr. Ellis (By request):

S. 29. To empower municipal corporations to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of popu-

lation and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a Board of Zoning Adjustment, and define the authority, powers and functions of such Board of Zoning Adjustment, its procedure, and a review of its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

Judiciary.

By Mr. Brower:

S. 30. To establish and to provide for the construction, maintenance, and operation of a tuberculosis sanatorium.

Finance and Taxation.

By Mr. Nolen:

S. 31. To authorize a Circuit Judge to act and preside in all proceedings relating to the appointment of guardian, or revocation of such proceedings, and letters of guardianship of persons of unsound mind in the Probate Court in the absence, illness or other disqualification of the Probate Judge.

Judiciary.

By Mr. Jones of Barbour:

S. 32. To further provide for the procuring for use in the public schools of Alabama of a uniform series of text books, to provide for their publication, to provide for their distribution, and to provide for their sale to school children at actual cost of manufacturing; to further define the powers and duties of the State Text Book Commission; and to provide for appropriations for the carrying into effect this act, and to provide pains and penalties for the violation of same.

Finance and Taxation.

REPORT OF COMMITTEES

Mr. Duncan, chairman of the standing Committee on Banking and Insurance reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hutson. (With Amendment):

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by munic-

pal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds" contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

RESOLUTION.

Mr. Johnson offered the following Senate Resolution:

S. R. 18. Be it resolved by the Senate that there be printed 500 copies of the Constitution as recently prepared by Judge J. J. Mayfield for the use of the members of the Legislature.

Which was read and referred to the standing Committee on Rules.

Mr. Duncan offered the following Senate Resolution:

S. J. R. 19. Resolved by the Senate, the House concurring, that Whereas, a vacancy has occurred in the office of Secretary of the Interior under the National Government; and

Whereas, the Honorable Alfred A. Taylor, Governor of the State of Tennessee, whose term of office as such has just expired, has at all times manifested a keen interest in the development of our National resources and industries; and

Whereas it is our judgment that, while Governor Taylor has been a lifelong Republican, he is a broad minded American, with a National scope of vision, and that he would administer with credit and satisfaction to every section of our Country the duties of the office:

Therefore, be it resolved, that we respectfully commend to the President of the United States the Honorable Alfred A. Taylor for appointment to the office of Secretary of the Interior.

Be it resolved that a copy of these resolutions be transmitted to the President of the United States.

Which was read and referred to the standing Committee on Rules.

Mr. Brower offered the following resolution:

S. J. R. 20. Whereas, there is now pending before the Congress of the United States, a great Educational measure, known as the Towner-Sterling Bill, providing for the creation of a Department of Education, and

Whereas, it is of utmost importance that immediate and favorable action be taken on this said bill by our Congress,

Therefore, be it resolved, by the Senate of Alabama, the House of Representatives concurring, that the Congress of the

United States, be and is hereby requested to immediately enact into law, the said Towner-Sterling Bill, in order that the National program of Education may be carried out, and

Be it further resolved, that a copy of these resolutions be sent to our Senators and Representatives in the Congress of the United States.

Which was read and referred to the standing Committee on Rules.

Mr. Craft offered the following Senate Joint Resolution:

S. J. R. 21. Whereas, the people of the State of Alabama should be more fully informed and acquainted with the benefits to be derived from a merchant marine; therefore,

Be it resolved, that the Senate, the House concurring, do hereby extend a cordial invitation to Admiral Benson, Senator Chamberlain and the Honorable Frederick I. Thompson, of the United States Shipping Board, to address the joint session of the Legislature at their earliest convenience on the important question of the benefits of a Merchant Marine and the economic good to the State of Alabama and the people of America of a ship subsidy to keep the American Flag afloat on the Seas of the World, and that the said resolution be forthwith sent to the House for immediate concurrence and that the Governor of Alabama is hereby requested to transmit these resolutions to the above mentioned gentlemen.

Which was, under a suspension of the rules adopted and ordered sent forthwith to the House.

Yeas, 18; Nays, 8.

Yeas:

Messrs:

Brooks

Caffey

Carlton

Carmichael

Craft

Hildreth

Horton

Hudgens

Inzer

Jones (Barbour)

Jones (Conecuh)

McNeil

Oliver

Pelham

Powell

Randall

Stone

Waddell

—18

Nays:

Messrs:

Adams

Brower

Garth

Griffith

Howle

Hutson

Johnson

Nolen

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Mr. Martin offered the following resolution:

S. J. R. 22. Be it resolved by the Senate, the House concurring that the House and Senate have a joint session at 11 A. M., January 16th, for the purpose of hearing Gov. W. W. Brandon deliver his message in person to the House and Senate.

Which was, under a suspension of the rules adopted by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 22 by Mr. Martin, relative to the holding a joint session at 11 o'clock January 16th, to hear the message of Gov. W. W. Brandon, which will be delivered in person.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 19. Commending to the President the appointment of Hon. Alfred A. Taylor to the office of Secretary of the Interior.

And, on motion of Mr. Martin, said resolution was put upon its immediate passage and lost.

Yeas, 11; Nays, 24.

Yeas:

Messrs:

Craft	Foster	Johnson	Tunstall	
Duncan	Garth	Oliver	Waddell	
Ellis	Hildreth	Slone		—11

Nays:

Messrs:

Adams	Carmichael	Inzer	Nolen	
Bonner	Griffith	Jones (Barbour)	Overton	
Brooks	Horton	Jones (Concuh)	Pelham	
Brower	Howle	Martin	Powell	
Caffey	Hudgens	Middleton	Randall	
Carlton	Hutson	McNeil	Teasley	—24

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

I am directed by the Governor to hand you herewith his message concerning the trustees of the Alabama Polytechnic Institute.

Respectfully,

A. L. Tyson,
Secretary to the Governor.

Jan. 15, 1923.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

The nominations of W. F. Feagin, of the Second District; J. A. Rogers, of the Sixth District; and C. M. Sherrod, of the Eighth District, as trus-

tees of the Alabama Polytechnic Institute, made by the Governor under date of January 9th, 1923, are hereby withdrawn and I respectfully request that you return the same to the Governor's Office.

Respectfully,

Wm. W. Brandon,
Governor.

January 16, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Foster the Senate concurred in and adopted the foregoing message from His Excellency, the Governor, requesting the return of the Governor's message reporting the appointment of Trustees of the Alabama Polytechnic Institute, which was presented to the Senate on the second legislative day and referred to the standing Committee on Rules.

Thereupon the Rules Committee returned said message to the Secretary and same was sent forthwith to the Governor.

JOINT CONVENTION.

The hour of eleven o'clock having arrived, pursuant to joint resolution heretofore adopted the Legislature of Alabama met in the Hall of the House of Representatives to hear the message of His Excellency, the Governor.

The joint convention was called to order by Lieutenant Governor McDowell, President of the Senate, who directed the Secretary to call the roll of the Senate, when the following senators answered to their names:

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

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The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following representatives answered to their names:

Messrs:

Mr. Speaker	Bealle	Burton	Cook
Adams	Blackwell	Byars	Culver
Adcock	Bowen, Lewis	Calloway	Cunningham
Arrington	Bowen, L. K.	Cato	Deloney
Ashcraft (Fayette)	Boykin	Christian	Dickinson
Ashcraft (Lauderdl.)	Burns	Coleman	Dowdle

Dunwoody	Henley	Odom	Snodgrass
Elliott	Henson	Parker	Sollie
Fanning	Hornsby	Patterson	Stewart (Bibb)
Ferrell	Howard	Pickens	Stewart (Calhoun)
Fite	Howze	Poole	Thompson (Etowah)
Forman	Jeter	Posey	Thompson (Jackson)
Glass	Jones	Powell	Tiller
Glenn	Kilpatrick	Ringer	Tunstall
Glover	LeMaistre	Rives	Tyson
Goode	Letson	Rountree	Varner
Goodwyn	Long	Russell	Verner
Graves	Love	St. John	Walker
Grove	Luck	Sanders (Concuh)	Wall
Guy	McGowen	Sanders (Pike)	Walton
Hall	Mooneyham	Sessions	Ware
Hampton	Moxley	Smith (Clay)	Mrs. Wilkins
Hatter	Nichols	Smith (Jefferson)	Wyatt
Hawkins	Norman	Smith (Lee)	Young

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Lieutenant Governor McDowell, President of the Senate, announced that there was a quorum of the Legislature of Alabama present and that the purpose of the joint convention was to hear the message of His Excellency, the Governor.

On motion of Mr. Foster the following committee was appointed to wait upon the Governor and notify him that the Legislature was now assembled in joint convention, and ready to hear his message:

On the part of the Senate, Messrs. Brower and Griffith, appointed by the presiding officer of the Senate.

On the part of the House, the Speaker appointed Messrs. Fite, Tunstall and Arrington.

Thereupon the Governor was presented and delivered his message in writing as follows:

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To the Senate and House of Representatives:

Having full confidence in your fidelity, patriotism and wisdom; we, in assuming our several duties, you as law makers, and I, as Executive, take upon ourselves grave and solemn responsibilities: The peace, prosperity, and happiness of the people of this great State whose servants we are, depend in a large measure upon the laws you enact and the fidelity and faithfulness with which they are executed. We are, therefore, humbled in the presence of this great responsibility that goes with our commission to lead this great State during these days of reconstruction period. We should approach these duties with a feeling of fairness to all, having in mind the good of our commonwealth, and the betterment of our race.

In my opinion, no General Assembly ever convened in Alabama under more favorable circumstances; there are no *party* differences, no bitterness in our ranks, no vital issues upon which we are divided, but Legislator and Executive alike, come with a united people behind them, and your actions and deliberations will be watched with eagerness and expectancy, and hope reigns in the minds and hearts of our people.

We are entering upon duties pregnant with almost Divinely imposed responsibilities. It is indeed a great honor to be called into the service of our State; a great privilege and an opportunity for service to mankind. We assemble at a time when history is to be made. The gigantic conflict of the World War ended it is true, but not without leaving in its wake saddened homes, wounded manhood, national indebtedness, financial systems of other nations destroyed, markets closed to our products, causing our material interests to suffer, and, it is but natural that our people look to their representatives with hope. You are the picked and chosen men of the section from which you come, vested with the sovereign law-making power, and upon you in some degree depends the realization of the hopes of the people whom you represent, and in you they repose implicit trust and confidence; the people have faith in you, and government by representation is a principle not new, and perhaps is the best system in existence. Coming fresh from the people, knowing the people, in sympathy with the people whose confidence you have earned, I feel that you will without fear give expression in the laws you make to their aspirations and their calm and deliberate judgment. When this is done laws will be respected, laws will be obeyed, and our people contented and happy.

We have gone through a period of distress,—many problems are to be solved economy in government must obtain, duplication and unnecessary expenditures must be prohibited—Tax payers

must receive in value what they contribute to government.

I feel confident that you will meet the expectations of those who have chosen you and that you will so legislate as to make every dollar spent bring returns in citizenship:—in developing our rural and farm life, in educating our people, in stamping out disease, in establishing industries, in quieting agitation, and making all classes feel that they are all one Common Brotherhood, and prejudice, selfishness and parsimony are laid upon the altar of our County for the good of all.

My distinguished predecessor, has laid before you the affairs of the State during the past four years. His experience during a period of reconstruction is worthy of your thought, and I commend it to your careful and earnest consideration.

THE WAR

Our State made a record second to no State in the American Union in the World War. From field and shop, from office and bank, from factory and mine, went the flower of our citizenship, and maintained for Alabama her traditions and her history. No braver or more chivalric band than our Alabamians ever marched to marshal music, or shouldered a gun in freedom's name than did the sons of our own State. Many did not return, but they left a history for their people that will live through all the Ages. We owe to those who did return, to take up again the duties of life, every encouragement, every opportunity for their development, for their energies and start them in every field of endeavor that will bring our State to its widest field of usefulness. We should favor them in every possible way and make them feel that a grateful people welcome them back home, believing that they in Peace, as well as war, will measure up to the true standard of manhood, and will, with unity of purpose and action, plant our flag upon the pinnacle of success.

THE BUDGET SYSTEM

The Budget System as created by my predecessor is wise. It should be continued. Economy in Government is as necessary as economy in private affairs. In my opinion, to the present Budget Commission should be added the Examiner of Public Accounts. Before appropriations are made the income of the State should be ascertained and no appropriation should be made in excess of such income. It is obvious that if appropriations are made beyond the income of the State, liabilities incur and indebtedness follows, and taxes are anticipated and certain claims remain unpaid. It occurs to me that we should as soon as possible, ascertain what revenues have been anticipated,

what our outstanding claims are unpaid, what monies are in the Treasury, what the revenue of the State will be, and after ascertaining these facts, only make such appropriations as will be within the income. Thus it will be seen that the State will live within its income, and trust funds will not be used for purposes other than those intended. The business of the State is now in your hands; let us get our bearings by knowing definitely our financial status and then apply the remedy. This will enable us to stop waste, duplication, extravagance, and give the taxpayer knowledge of where his monies go.

To this end, I ask that the Legislature obtain from the Budget Commission or such other source as they deem prudent, a statement that will enable them to know what will be available for them to appropriate for the various causes seeking appropriations before action is finally taken.

PUBLICITY OF PUBLIC FUNDS

The tax-payers, as stockholders of the Government, should have accurate knowledge of the receipts and disbursements of all funds. A law should be enacted requiring those in charge of public funds to publish at stated intervals the sums received and purposes for which they were expended. These reports should be made in detail, so that the public might know where every dollar collected is spent and for what purpose. This would in my opinion, keep down criticism.

This should not only apply to State funds, but every County Officer, School Board, Treasurer, Municipal Officer or other person handling public monies should publish in the County paper or other medium of publicity an accurate report and show that the monies collected in his sub-division have been applied as the law directs and then our people would know that their taxes have been properly applied. In addition to the information furnished the people, all officers would be more careful in handling monies, and make equitable distribution of the people's money. All would be careful of extravagant expenditures, would more economically administer the affairs, and make every dollar count.

In addition to this, I believe that after the books of any County Official have been examined by the Examiner that the report of such Examiner should be published, and the people have knowledge of their affairs—both State and County. Too much care cannot be used in handling the Public Money and every safe-guard should be thrown around careless expenditures. Publicity would cause us all to stop, think and carefully guard our financial system.

SAFE-GUARDING TRUST FUNDS

Certain monies coming into the State Treasury under Constitutional provisions should be held sacred, and be used *only* for the purposes for which the taxes are paid. For example, the Constitution fixes a millage tax for school purposes. This money, when collected, should be credited to the School Fund and held intact for this purpose, and not borrowed from or used for other purposes, but used solely for that purpose. This might enable us to pay more promptly the poorly paid teachers.

Under our recent Bond Issue Amendment, the Constitution requires all Automobile License be used for the interest on Bonds, the retiring of bonds and construction and maintenance of our highways. Under no circumstances should these funds be used temporarily or otherwise for any other purpose. We cannot too rapidly build highways, nor can we too quickly begin a system of maintenance that will take care of the roads we build. A system should be devised by which all funds directed by the Constitution to be paid for specific purposes, should be held and used *only* for that purpose and any law which permits the temporary use of these funds for other purposes than those fixed by the Constitution, should be repealed, and these funds should not be used for other purposes in anticipation of revenue.

EDUCATION

The most important matter with which you will have to deal is education. While this State has made great strides in the education of our people, much remains to be done in order that every boy and girl may be given an opportunity in life. An educated citizenship is the greatest asset of any Commonwealth. The people of this State have shown their desire for a system of Education that will carry the school to the remotest corner of the State. We now have a State School Tax of three mills levied by our Constitution, a County Tax of three mills, and a District Tax of three mills for our elementary schools and even with this some communities only have a five months school. This should not be. All our schools should be open and free at least seven months in the year.

Every dollar should be made to count, and all duplication and overhead expense and extravagance should be discontinued. We are all committed to Public Education "And no backward step should be taken." For many years since the establishment of the County High Schools by Governor Comer, which marks his administration as progressive, under each succeeding administration our educational interests have advanced. We must go forward:—in order to do this. we must economize in every

way to guarantee longer terms, ample pay for teachers, proper equipment and buildings.

The first monies spent should be for the education of our people. Our system should be carefully scrutinized, and every unnecessary expense curtailed, every duplication abolished, and from the elementary school to the university, our system should be so related and connected so as to make one harmonious whole. To do this will require exhaustive study, careful investigation, thorough knowledge of the entire system in order to administer the funds to the most possible good.

The beginning of education is in the Elementary school and this should be our first care. The Country School must not be neglected, for from these elementary schools come our High School and College Students, and the better schools, the more pupils, and all in the early life must be given a start. I am informed by our State Superintendent that much more money will be needed in developing our Elementary Schools. Every person should contribute something to this great work. I therefore, recommend, in order to give more money to the Elementary Schools, that a law be passed levying a per capita tax of \$2.00 upon every citizen black and white, male and female, between the ages of twenty-one and fifty years, to be used as a fund to provide seven months school in every School District; that this should be compulsory and that no exception be made except that already made by the Constitution of the World War Veterans, and they are entitled to this and every other consideration we can give them. This fund when raised should be so held and distributed as to give in poorer and remote sections, a school in keeping with more favored communities. This would raise a fund of more than one million dollars for school purposes, and every person would then be a contributor to Public Education.

I believe that every patriotic citizen would gladly pay this amount per annum, whether owning any property or not, if he knew he was carrying to all the people an opportunity to equip men and women for the duties of life. A State's first duty is to develop its citizenship and strengthen its manhood and womanhood and until we realize this, we will not measure up to our duties.

HIGHER INSTITUTIONS

The University, Auburn, Montevallo and our Normal Schools, are in distress for lack of buildings and equipment. Students are knocking at the door clamoring for admission. High Schools are turning out yearly scores of young men and women seeking admission. Alabama should be second to no State in giving

our sons and daughters every advantage. The people have responded recently to the call of the University and Auburn and voluntarily subscribed liberally to a building fund. The needs of these Schools and Colleges are so apparent that we must consider carefully the same, and meet squarely the responsibility. All of these Institutions are now maintained out of the General Fund of the State Treasury. The sources of revenue to this fund, not otherwise appropriated by Constitutional provisions, are meagre, and are approximately, to-wit:— $2\frac{1}{2}$ mills ad valorem tax, amounting to \$2,389,752.23. The licenses arising from the Privilege Tax amounting to \$1,910,286.07, miscellaneous sources \$632,315.98, or a total of approximately only \$4,932,354.28. From this fund every Department of Government is now supported. From this fund all appropriations for education not fixed by the Constitution must come. A careful and impartial study of the situation will show that if we appropriated the whole of our General Fund to our Institutions of Learning, it would hardly meet their immediate needs. Some remedy must be applied. Having confidence in the people of this State and their earnest desire to have every boy and girl get an adequate education, and in order to place higher education in the reach of all, it occurs to me that these Institutions will never be properly cared for until we fix a millage tax by Constitutional Amendment of the support of our Higher Institutions of Learning, and forever fixing a policy for their support and maintenance. We have stood for a reduction in Taxes. By this method we would allow the people to pass upon the question of taxing themselves, and it would not be a tax arbitrarily fixed, but the people themselves would have an opportunity to determine the destiny of our Institutions. The needs cannot be met out of the State Treasury. The question is of such grave importance to our people that in my opinion this presents our only remedy. We must meet the issue squarely and provide for these schools and colleges or they will not be able to measure up to their fields of usefulness. I, therefore earnestly urge that a Constitutional Amendment be submitted for a three mill tax,—one half to go to our Normal Colleges and Elementary Schools, the other one-half to go to our higher institutions of learning.

A plan could be worked out by which an equitable division could be made out of funds arising out of such millage tax to go annually to the support of our Elementary Schools, High Schools, the Normal Schools and higher institutions of learning, and they would not be forced to receive a pittance from the General Fund. In order to prevent duplication and extravagance, a law should be passed defining the field of work for each Institution, and in this way bring all Educational Institu-

tions in harmony. There should not be a discordant note in our Educational system,—jealousies and animosities and selfish differences should be eradicated. All our Institutions have one common mother—the State; and it is highly important and greatly to be desired that a system be worked out that will blend in one common whole every school of the State, and leave no room for bickering or discord. There is *need for all* and a great opportunity for all. This system should be worked out without prejudice to any but with the common good of all. My predecessor had a survey made of our educational needs, and it is a matter of record, and I commend the careful study of this to the Legislature and that they may enact a law that will define the scope of every school and thus avoid dissensions, duplications and extravagances; until this is done, we can never determine equitably the needs of each, and after this is done there will be no discrimination.

I believe that a lack of harmony is creating discord, and what we most need is a mutual, definite, defined system, and start all these splendid schools, hand in hand as sisters in our educational system with a complete understanding, giving opportunities to every boy and girl to be equipped in every line of endeavor. When this is done and the people assured of an economic expenditure of their funds I believe they will consent to levy this millage tax to carry on this great work,—a great forward step will have been taken,—a great day will dawn for our citizenship, and a program adopted that will mark a New Era for Education, and our pledges to the people redeemed.

The greatest need of the State is an educated citizenship,—taxes paid out for the development of the race are not misapplied. Let us then with justice and fairness work out this problem of higher education to the end that Alabama will rank with any State in giving ample opportunities to her sons and daughters.

ELEEMOSYNARY INSTITUTIONS

The Alabama Insane Hospital at Tuscaloosa is overcrowded with inmates; the wards of the State must be properly cared for, and all appropriations made for this institution comes out of the General Fund. A new building is just being completed and will soon be open for occupancy. This will call for more money, and the State cannot be derelict in its duty to its wards.

HOSPITAL FOR FEEBLE MINDED

Hard by the Institution for the Insane stands a new building. The first unit of a building for the feeble-minded. This build-

ing now stands ready for occupancy—hundreds of applications are now on file with the superintendent and yet none can be received until it is equipped and a maintenance fund provided. It is estimated that \$40,000.00 will be necessary to properly equip this Institution and get it ready for occupancy. Until this is done, the building will stand idle, while those seeking admission will still wait. In addition to this equipment, a maintenance fund will be necessary to enable the authorities to care for the inmates. This should perhaps be the first appropriation made, and made as early as possible in order that the building may be made to serve its purpose.

BOYS INDUSTRIAL SCHOOL

In my opinion, the Boys Industrial School at East Lake, Alabama, is doing a splendid work for the State. It has made men of boys whose tendency was to crime and idleness. It should receive our support and its needs carefully studied and provided for. We must prevent crime by saving the boy before he becomes a criminal. I feel that this Institution should be carefully fostered and encouraged. If it can be arranged to purchase land in close proximity at a small cost, it would be money well spent and give employment to the boys in the way of dairying and gardening and raising edibles, poultry, etc., thereby reducing the cost of upkeep. A similar school to this for girls would not be amiss,—although our good women are doing for girls of this class what they can. They do not receive the proper support. The State must not neglect its wayward youth, but should snatch them in tender years from surroundings that produce crime, and fit them for citizenship. Crime can be lessened, morals can be uplifted, homes can be made happier and communities strengthened by caring for the outcast and wayward and training them for honest endeavor.

DEAF, DUMB AND BLIND

The Institution at Talladega deserves and should receive our earnest support; to care for those who have lost their sight, and who are unable to communicate by sound with their fellow men call for our heart-felt sympathy and every care should be taken to give them as far as possible a chance in life and remove as nearly as we can their infirmities.

This institution is doing a noble work and I commend it to your care and earnest consideration. It must be properly maintained and supported, and the best possible advantages given to these unfortunates.

STATE HEALTH DEPARTMENT

Next to an educated citizenship comes a healthy people. It is the State's duty to eradicate disease, to provide sanitation for its people and make living conditions the best possible. Alabama perhaps has made more rapid strides along health lines than any Southern State; more has been accomplished in the last few years than ever before in our history. A great program has been prepared by the State Health Officer, and we should carefully study its provisions, and aid as far as possible to the end that our people may be safe from the scourges of preventable diseases and our children can be reared under conditions conducive to good health. I am a firm believer in County Health Officers for each county, and a careful watch kept for preventing diseases and stamping out causes.

CHILD WELFARE

Perhaps no department of Government is doing more services for the State than this department under the able management of Mrs. L. B. Bush. Health reformation and care of the youth are essential. All matters of welfare of the children of this State should be kept under the control of this department. This is one of the State's greatest problems, and we have made some progress in its solution. In Mrs. Bush, this State is fortunate in having one who has a vision and is developing rapidly this important work. After the educational interests have been cared for I commend this and the health of our people to your serious consideration. The plans outlined by the head of this department meet my heartiest approval, as far as the Treasury will permit. And, I invoke your aid and co-operation in an effort to care for our child life.

CONVICT DEPARTMENT

The convict system of any government is of vital importance. I have endeavored to get such information as possible in order to make a definite recommendation. Great improvements have been made in this system during the term of my predecessor. The prison at Speigner has been rebuilt, and is now ready for occupancy. The old penitentiary at Wetumpka has been re-modeled and these prisons are now models of cleanliness and sanitation. Perhaps the most commodious and best equipped prison in the South is at Kilby. Through the kindness of my predecessor I have visited with him these institutions. The State has invested more than a million dollars at Kilby prison. The investment has been made, we must therefore utilize it to the best interest of the State. I am not familiar enough at this

time with the system to make any definite recommendations. I believe however, that in time the Lease System should be abolished and prisoners should be taken from the mines. This can only be done when the State has otherwise made provision for the convicts where they will not be a liability on the State. I am not convinced that such a time has arrived and would therefore recommend that the time be extended for taking the prisoners out of the mines until such time as the Governor and the Convict Board determined that it could be done without liability to the State for their upkeep and maintenance, and until provision could be made for their proper employment and confinement. Whether the present situation would enable us to do this or not, I am unable to say, but I am convinced beyond question that it could not be done at this time without enormous expense to the State, and loss of revenue to the treasury. The demands on the State are so great, in our vision for the education, the health, and the welfare of those who are not convicts that we are unwilling to take from a treasury that is now unable to meet these demands, and thus aid in preventing crime, and transfer it to the convict to be merely a ward of the State and receive no punishment other than confinement.

The convict should be kept busy and his labor should bring some revenue to the State, and I would favor a part of his earnings, if he left a destitute family, to go to them, that they might not be a burden to the tax paying public and an object of charity—dependents upon the State and County whose laws the convict has violated. I would favor and do now favor the abandonment of the lease system as soon as practicable, but not having had an opportunity for proper and careful investigation I cannot offer a definite plan for the solution of this question; until such investigation and plan can be intelligently worked out without embarrassment to the State Treasury and the demands of the tax payer, I ask that you at least continue the present system until we can evolve a plan and have it ready for operation, when such lease system does terminate. For that reason, I make the recommendation above set out. I will endeavor at your second session to make further recommendations. I further recommend the appointment of a special committee from your body to inspect these institutions, investigate thoroughly, and with the Governor, make recommendations at the Adjourned Session.

TAXATION

In order to carry on Government, revenue is necessary, and the demands on the State are greater than ever before. The people have been promised relief from excessive tax burdens. Property now on the Tax Books have been carrying the burden

for years and some plan must be adopted by which the taxes on property presently taxed can be reduced. In order that this can be done certain exempted property should be placed on the Tax Books and required to share its part of the burden.

Equality in taxation is fundamental, and while much has been done in this line, much remains to be done. A careful study of Tax Assessments for the current year will show that our pre-election promises to reduce taxes has been complied with and that the income will be much less than that of the year preceeding. However, as far as possible, our people should be relieved of excessive taxation. This can only be done by requiring property not heretofore taxed, to be placed on the Tax Books and the following new subjects of taxation be required so that the values now on the Tax Books may be reduced.

1. All property, now exempted by special laws, whether of individuals, except cemeteries, schools, and public buildings, churches and Eleemosnary Institutions,, and certain necessary household goods, poultry and possibly a cow and calf, should be taxed.

2. Stocks and bonds, hoarded money and solvent credits, should be taxed.

3. The privilege tax on mortgages should be increased, and required to be paid annually where the life of the mortgage is more than one year.

4. A compulsory per capita tax for Elementary Schools.

5. A tax on gasoline for maintaining our public roads.

With these additional taxes levied on property not now taxed and which has been exempted for years, I believe the present values could be somewhat reduced on property now being assessed without materially diminishing the revenue of the State. In order that equalization in taxes may obtain, I recommend that the State Tax Commission be retained with one additional member to look after Automobile Taxation. And that power be given the Governor and Commission to employ experts as may be needed to check up the Assessors and see that the equalization obtains. I recommend the abolishment of Tax Adjusters, and the Tax Assessors be required by law to perform all the duties incident to the assessment of taxes under the State Tax Commission. That no Tax Assessor or Collector be allowed to succeed himself in office, and that the taxes be equitably and fairly assessed as provided by law and subject to review and revision by the Tax Commission,—the tax payer having the right of appeal.

In order that no injustice may be done by any Assessor or Collector, I suggest that the terms of those now having office be extended two years,—at the end of which term they be in-

eligible to succeed themselves. And, if necessary, a clerk be employed to assist them in their duties.

In the matter of License Inspector, I recommend that the Tax Commission appoint with the approval of the Governor, a Deputy or Deputies as may be necessary, to be paid a salary, whose duty it shall be to look after delinquent licenses, and be a part of the law enforcement organization; thus each County, (or in smaller counties combined, two or three) would have a law enforcement officer. That all fees and penalties arising from delinquent or escape licenses to go into the State Treasury. In this way, a considerable sum would go into the State Treasury, and an all time officer would be attached to the sheriff's office to aid in the enforcement of law.

AGRICULTURE

Alabama is essentially an agricultural State. Most of our people make their living by tilling the soil. The success of all business and the progress of our civilization rest upon a contented, happy and prosperous farming people. Rural life should be made more attractive and farms more productive. There should be better marketing for farm products and better facilities for getting to market.

The platform of the Democratic State Convention of last Summer gave deserved emphasis to the training of agricultural research, extension work, soil improvement, cooperative marketing, farm credits, and inspection work of various kinds.

For the past twelve years legislatures have given sympathetic consideration to research and extension work. Beginning in 1911, the legislature provided \$25,000 per annum for farm demonstration work. Concurrently an act was passed appropriating \$27,000 per annum for agricultural experiment work, following in the wake of the appropriation of \$30,000 per annum by the Federal Government years ago for similar work. In 1915 the legislature made additional appropriations for extension work, in co-operation with the Federal Government, under the terms of the Smith-Lever Act, until today a sum approximately a half million dollars (\$500,000) annually is available from federal, state and local sources for experimental and extension work in agriculture. Yet, the State has done no more than it ought to have done. As its resources permit, it will be glad to do more. The passage of the millage tax, as set forth elsewhere in this message, will increase its power to render yet greater service.

I recommend (1) that provision be made to meet the Smith-Lever federal appropriations for extension work; (2) that the federal appropriation to experimental work be supplemented from time to time as resources may be made available; (3) that,

so far as practicable, the work of county farm and home demonstration agents in the several counties be made compulsory and permanent; (4) that our marketing laws be carefully studied with a view to such changes as will facilitate the organization of cooperative commodity marketing associations; (5) that all inspection work and enforcement of agricultural laws be done at the State Capitol as a part of the work of the State Department of Agriculture as recommended by the incoming Commissioner of Agriculture; (6) that the State Board of Agriculture be authorized and empowered to sit in an advisory capacity with the Commissioner of Agriculture and Industries in making rules and regulations regarding regulatory and inspection work, with the restriction that all fees derived from such work shall be fixed by statute and shall be paid into the State Treasury to be disbursed or appropriated item by item, as heretofore, by Acts of the Legislature. It is clear that whenever fees are exacted from the public or whenever public money is disbursed or appropriated, there should be definite statutory authority. Such authority alone will suffice to safe-guard the public interests.

LAW ENFORCEMENT

Laws are made to be obeyed. All laws should be rigidly enforced and the Governor is responsible for such enforcement. Every power should be given to see that laws are enforced. As far as possible, this should be done locally, but there should be a force to see that there is a rigid enforcement of all laws; to this end it should be left with the Executive as to what force is necessary for the State to maintain in order that proper co-operation may be given to local authorities.

SABBATH OBSERVANCE

Commercialization of the Holy Sabbath should be prohibited. By law all business, games and amusements where admission is charged and the Sabbath desecrated should be stopped. Providence will smile upon the people who "Remember the Sabbath day to keep it holy."

WORKMEN'S COMPENSATION ACT

There has been no piece of social legislation in recent years of more importance than the Workmen's Compensation Act. Its importance to the employer as a means of reducing and almost eliminating litigation for injuries to employees is recognized. It is a factor in promoting more cordial relations between employer and employed, which should be earnestly encouraged. It

is a step toward according justice to the unfortunate injured or his dependents in not requiring him to assume the entire hazard of the employment and nearest of any known or developed experiment in the humanitarian principle of government; the public is thus in large measure protected against further increase in its quota of helpless dependents.

The Legislature of 1919 enacted a Compensation Law that has been in operation for the past four years. Experience has demonstrated the necessity of its amendment. The present law provides supervision or administration upon the Circuit Judges an additional burden almost impossible of thorough accomplishment. However conscientious the Judge, yet it is a physical impossibility to make the complete investigation of many cases, consonant with the desired social and altruistic purposes of the law. It would now appear as the law is administered that it is secondary in importance and but a side issue to the Judicial Department of the State Government. More than 12,600 of the citizens of Alabama are subject to the provisions of the Compensation Act, too large a proportion for this economic and social welfare to be on secondary consideration.

The experience of other States, where the law has been longer in force, has demonstrated the wisdom of its administration by a separate body. Therefore, I would recommend to the Legislature the creation of an Industrial Commission to be appointed by the Governor for such term as it is deemed wise, a chairman and two associate members, at such salary as you deem commensurate with the importance, of the service to the State. The expenses of the Commission should be provided for in the Act, and should not be paid from the present income of the State or out of the State Treasury, but should come from fees from those who have matters before the Court. And this Commission should be made self-sustaining.

There are many features of the present law deserving in some instances of radical amendment too numerous to include in this message. I would commend to the Legislature for its information and careful study the provisions of the Ohio law relative to the establishment of the Commission and its duties of administration. This law seems to have met the situation. I am informed meets the general approval of all classes.

DEPARTMENT OF ARCHIVES AND HISTORY

The history and traditions of a people should be preserved, and under Mrs. M. B. Owen's management this is being done in the Department of Archives and History. Her department is crowded, corridors and cellars full of important documents and files that are a part of Alabama's history. She is handicapped

in her work by lack of room. How to remedy this is one of your problems. She will probably present to you plans for the future, and I commend to you her plans and ask a most careful investigation. I request that you cooperate with her, and preserve for future generations the history of our people.

REGISTRATION LAWS

Our Registration Laws are expensive and cumbersome. Many of our citizens are prevented from voting because of their inability to register. The law now provides for three Registrars in each county. Why pay three? Where one could do the work. If it can be done constitutionally, I would suggest that this work be done in the office of the Probate Judge. He is responsible for the official voting list, and now practically duplicates the work of the Registrars. This would enable the Registration Books to be open at all times, and any person qualifying for registration could then conveniently register. There might be some objection, or constitutional prohibition to this system. In that event, I would recommend the abolition of the Board as now constituted and the number reduced in order to save unnecessary expense, and require more frequent registration. In most counties one Registrar could easily do the work.

PORT AMENDMENT

The people of Alabama by almost unanimous consent at the polls decided that the State of Alabama should lend its credit to the building of a Port for Alabama at Mobile. Our people have great hope in this development. To my mind, this is the most important legislation with which you will have to deal. The people have been promised returns on their investment. You will be charged with passing the enabling Act carrying into effect the Constitutional enactment. I, therefore, recommend that careful study be given to this important matter, and every restriction thrown around the expenditure of these sums, to insure the people that there will be no default in payment of bonds and interest. Every detail of this Act should be carefully studied, every caution taken to prudently expend these monies, and the best business men of our State should be charged with the grave responsibility of furthering this enterprise. We cannot hurriedly go into this. I therefore, recommend that you appoint a Committee to confer with the Harbor Commission, the Governor, and such experts and business men as they may agree upon, to bring to you recommendations to the end that we may safeguard the public interests, and the State's Treasury.

In my judgment, a great day will dawn for Alabama when this port is completed. Every section will be benefitted, and the product of field and mine, of mill and factory, will cause our industrial life to throb with new energy. New markets will be opened,—transportation will be cheapened, and all our people will feel its benefits. We should not delay the matter unduly,—but every care should be taken to the end that the people will be assured that the matter is being carefully and properly handled.

The Harbor Commission has been active and diligent in securing data, and have submitted a tentative bill which should be carefully considered in detail. Let no Act be passed that might be unconstitutional, and every care should be taken in its enactment where the bond issue would not be questioned, or the right of the State to lend its credit be doubted. This problem is ours; let us meet it thoughtfully, prudently, with the best advice obtainable.

STATE HIGHWAY DEPARTMENT

Good roads are essential to our advancement. The Federal appropriation, together with our bond issue for good roads, should bring results. Every dollar should be made to count, and the law should be complied with connecting county sites.

Too many surveys are made and too few roads built. Overhead and useless expense should be prohibited, results should be obtained, roads should not be built for political reasons, but where they can best serve the public.

In my opinion, the State Highway Commission, as now composed, is "top-heavy". While the members are honest and conscientious, and are moved by patriotic motives, they naturally represent their own sections, and each has his own idea of what ought to be done, and as a consequence confusion arises and no definite plan is fixed. So far as I know they are all good, capable, honest and patriotic men, trying to serve faithfully their respective constituencies. Therefore, it is not the personnel of the Commission to which I object, but the system itself. A much smaller Commission with their duties *defined* would in my judgment get better results and our roads more rapidly built. I, therefore, recommend that you enact a law creating a Commission of only three, and certainly not more than five, composed of a chairman and two associates, and their duties defined; that the chairman give bond for the discharge of his duties and be at his office daily, and have charge, with his associates, of all road building; that no expenditures be made without the approval of the Commission and the Governor; that the Commission be required to make quarterly reports for their actions,

showing miles of road constructed, the cost of same in detail: That no engineers be employed without the consent of the Commission and such only as are necessary for the projects in hand; that the overhead expense of the Commission be limited as far as practicable, to the end that the monies may be applied to road construction; that the Commission employ a chief Highway Engineer, who shall devote his whole time to the work, and who shall be associated with the chairman at the central office under the supervision of the chairman and Commission.

I further recommend that a tax be levied on gasoline and covered into the State Treasury, to be used as a maintenance fund for the upkeep of the roads built. This money to be expended only upon the requisition of the chairman, approved by the Governor, for maintenance and upkeep, and an itemized statement of such expenditure be filed with the requisition. And, if all of such tax is not required for any one year for this purpose, it be covered into the State Treasury.

NATIONAL GUARD

The National Guard of a State is the Executive's strong right arm. In the enforcement of law, in keeping down invasion, in protecting the weak, they are needed in Government. The National Guard of Alabama "Carries no flag that does not think of Alabama's welfare, no bayonet that does not salute her Civil Power."

The flower of our young manhood compose this organization, and they have always answered their country's call. I commend them to your support in whatever is deemed essential for their efficiency and proper support.

COURTS

In many counties of the State the Fine and Forfeiture Fund is exhausted, and jurors and witnesses attending court are not promptly paid. Speedy trials would enable us to save much money and aid in the prompt enforcement of law.

Courts are frequently prolonged and jurors and witnesses held over pending the settlement of pleadings, etc., before the matter is at issue. It would be wise to formulate a plan by some rule of procedure approved by the Supreme Court, where all pleadings and preliminaries would be settled in advance of the trial of the case, and thus prevent jurors and witnesses having to attend sessions of the court pending these matters, and thereby save considerable expense.

It might also be well to consider a plan by which all fines, forfeiture and costs, be paid in money, instead of county script or other paper.

CONSERVATION

The suggestions recently made by Hon. E. F. Allison of Bel-
lamy, Alabama, lumberman and game conservationist, is worthy
of serious consideration. Much of the cut over lands which are
going to waste could be made to produce timber for future gen-
erations. Forest fires that destroy growing timber should be
prohibited, and the conservation of these natural resources
should be made a careful study.

The splendid work of Mr. Allison in conserving the game life
of our State deserves commendation, and Alabama owes him a
debt of gratitude.

Looking to the future he sees possibilities untold in our cut
over and wasting lands. We are not only legislating for today,
but for the future, and a programme of conservation along the
lines suggested would bring developments of value. The Com-
missioner of Conservation is working upon plans to this end,
and it might be well for you to appoint a committee to confer
with him and Mr. Allison and others familiar with this sub-
ject, and evolve a plan that will conserve this God-given re-
source, thereby prevent waste and useless destruction, and bring
back the cut over lands to usefulness and conserve for future
generations what we now enjoy.

Alabama owes to the late John H. Wallace, a debt of gratitude
that cannot be paid. He conceived our Game and Fish laws;
he put into execution these laws, and started our Commonwealth
in the great work of conserving our wild life of fish and game.
We should follow his work up and continue to protect and fos-
ter conservation of all those things that add to our happiness
and prosperity. His successor is furthering this great under-
taking and is endeavoring to work out plans that will perpetuate
and enlarge conservation of all our resources. We should co-
operate as far as possible with him in this work.

ABOLISHMENT OF OFFICE

I recommend the abolishment of the State Board of Control
and Economy.

I recommend the abolishment of Tax Adjusters, and all un-
necessary Tax Agents.

I recommend the reduction of the number of Registrars.

I suggest that you appoint a committee to investigate every
department of Government, ascertain the number of employees,
the salaries paid, and make recommendations abolishing all un-
necessary assistance, all duplication of work not inconsistent
with efficiency and service. The salaries of State Officials and
employees should not be in excess of salaries paid for like serv-
ice in private business, and a careful investigation should be

made and salaries reduced where the service rendered does not demand the salary now fixed. Economy in administering Government has been promised the people, and I am sure every State Official will co-operate with you in making the administration of his office to the minimum cost of service.

I urge that no appropriation be made at this session, except for the Institution for Feeble-minded.

CODE

The Codifier of our State laws will make his report and the new Code is to be adopted. I therefore, recommend that you appoint a Committee to report on same.

It will therefore be necessary for you to adjourn for this purpose—

ADJOURNMENT

In order to save an extra Session of your body, I recommend that you adjourn in the next ten days to meet again in April, if possible. That during your adjournment you appoint a committee:

A. To confer with the Budget Commission and ascertain the financial status of the State.

1. Its outstanding indebtedness.
2. Income that has been anticipated.
3. Income available.
4. Fixed charges of State.
5. Amount available for appropriation.

B. *A committee on code.*

C. *A committee on investigation of all departments and cost of same and reducing fixed expenses, if possible.*

No appropriation can be made without partiality until we ascertain definitely what is available. I will approve no appropriation except that for the Institution for the Feeble-minded (and that only for the reason that the building is now idle and unoccupied) until I have ascertained what is available, and have provided for Education to the end that no "backward step be taken" in the education of our people.

Only necessary legislation should now be enacted.

CONCLUSION

Our duties, while not the same, are so closely related as to be akin and can best be performed when perfect harmony prevails. I have no desire to dictate to you, but to co-operate with you. I shall endeavor to maintain the relations which now exist unbroken. We were elected by a re-united people upon the same

platform. Feel at liberty, each of you, to counsel and advise me. You are at liberty to call at any hour, day or night, and call upon me for any information that I have or can obtain that will aid you in your task. May we then, gentlemen, hand in hand, with unity of purpose together so act, that when our duties are ended, we can hear from all our people the approbation, "well done, good and faithful servant."

WM. W. BRANDON,
Governor.

The object of the Joint Convention having been accomplished the President of the Senate announced that it was dissolved, whereupon the Senate retired to its chamber.

ROLL CALL.

Upon a call of the roll the following members answered to their names:

Messrs:

Adams	Foster	Inzer	Nolen
Bonner	Garth	Johnson	Oliver
Caffey	Griffith	Jones (Barbour)	Pelham
Carlton	Hildreth	Jones (Conecuh)	Powell
Carmichael	Howle	Martin	Randall
Craft	Hudgens	Middleton	Slane
Duncan	Hutson	McNeil	Teasley
Ellis			

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RESOLUTION AND ORDER TO PRINT.

Mr. Foster offered the following Senate resolution:

S. R. 23. Resolved that One Thousand copies of the message of the Governor read before the joint session of the Senate and House, be printed for distribution.

Which was, under a suspension of the rules, adopted by the Senate.

Mr. Jones of Barbour offered the following Senate Resolution:

S. R. 24. Be it resolved that One Thousand copies of Senate Bill No. 32 be ordered printed.

Which was read and referred to the standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

By Mr. Duncan:

S. J. R. 15. Be it Resolved by the Senate of Alabama, the House concurring, that the Legislature go on record as favor-

ing the acceptance of the Ford offer for Muscle Shoals and that a committee of five members, two from the Senate and three from the House, be appointed with instructions to draft a resolution urging Congress to accept said offer.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

I am directed by the Governor to hand you herewith his message concerning the appointment of trustees for the Alabama Polytechnic Institute.

Respectfully,

A. L. Tyson,
Secretary to the Governor.

January 16, 1923.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

According to the provisions of Section 266 of the Constitution, vacancies occurring in the office of the trustees of the Alabama Polytechnic Institute shall be filled by appointment of the Governor, by and with the consent of the Senate.

I, therefore, report to you the appointment of the following trustees for the Alabama Polytechnic Institute:

Charles Henderson, of the 2nd District, for term ending January, 1935; to succeed W. F. Feagin;

J. A. Rogers, of the 6th District, for term ending January, 1935, to succeed himself;

C. M. Sherrod, of the 8th District, for term ending January, 1935, to succeed himself.

I submit these appointments for your consideration and confirmation.

Respectfully submitted,

Wm. W. Brandon,
Governor.

January 16, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Waddell the Senate confirmed the appointment of the following trustees for the Alabama Polytechnic Institute:

Charles Henderson, of the 2nd District, for term ending January, 1935; to succeed W. F. Feagin;

J. A. Rogers, of the 6th District, for term ending January, 1935, to succeed himself;

C. M. Sherrod, of the 8th District, for term ending January, 1935, to succeed himself.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Bröwer	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan			

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Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following Joint Resolution:

By Mr. Long:

H. J. R. 6. Resolved by the House, the Senate concurring, that the Rules Committees of the two houses meet and recommend Joint Rules for the two Houses.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Horton the Senate concurred in House Joint Resolution No. 6, set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following Joint Resolution:

By Mr. Long:

H. J. R. 7. Resolved by the House, the Senate concurring, that when an adjournment is taken today, it shall be till Thursday, January 18th, 1923.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Foster the Senate concurred in House Joint Resolution No. 7, set out in the foregoing message from the House.

ADJOURNMENT.

At 1 o'clock P. M., on motion of Mr. Ellis and pursuant to House Joint Resolution heretofore adopted, the Senate adjourned until 10 o'clock Thursday Morning, January 18th, 1923.

FIFTH DAY.

Thursday, January 18th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Frank Willis Barnett of Birmingham.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Sione
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

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JOURNAL.

On motion of Mr. Hutson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Overton the privileges of the floor were extended to Hon. Walter Moore of Randolph.

On motion of Mr. Nolen the privileges of the floor were extended to Hon. Dave Crossland of Montgomery.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hutson:

S. 33. To amend an act entitled "An Act to amend Section 3970 of the Code of Alabama of 1907", passed by the Legislature of Alabama at the session of 1915, and approved September 17, 1915.

Revision of Laws.

By Mr. Hutson:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Hutson:

S. 35. To amend An Act entitled "An Act to Amend Sections 1408 and 1409 of the Code of Alabama, approved November 1, 1921.

Revision of Laws.

By Mr. Hutson:

S. 36. To amend Section 6148 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Griffith:

S. 37. To define chiropractic and the practice of chiropractic in the State of Alabama; to create a State Board of examiners of applicants to practice chiropractic in Alabama; to provide for the appointment of said board; to define its duties and powers; to provide for the issuing of licenses and certificates to practice chiropractic; to provide for the disposition of fees collected by said board; to provide penalties and punishment for the violations of provisions of this Act; and to repeal all general and local laws in so far as in conflict with this Act.

Judiciary.

By Mr. Garth:

S. 38. To create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing, in said county and abolishing said Board of Revenue of Madison County; to divide said County of Madison in Five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners; fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers, and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said Board of County Commissioners of a Clerk; and a Supervisor of Public Roads; providing of the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given as required by Section 106 of the Constitution, of the State of Alabama, that application will be made to the Legislature of Alabama at its session beginning January 9, 1923, for the passage of substantially the following bill.

A Bill to be entitled:

AN ACT

To create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing, in said County and abolishing said Board of Revenue of Madison County; to divide said County of Madison into Five Districts defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners; fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said Board of County Commissioners of a Clerk; and a Supervisor of Public Roads; providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created and established "The Board of County Commissioners of Madison County" to be composed of Five members, one of whom shall be the Chairman of the Board of County Commissioners, and all of whom shall be qualified voters of said County.

Section 2. The "Board of Revenue of Madison County" as now instituted, is hereby abolished from and after the time this act becomes effective and is put into operation, and there is hereby conferred upon the Board of County Commissioners of Madison County, all jurisdiction and powers which are now, or may hereafter by law be vested in the Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of the State.

Section 3. That for the purpose of this Act and the enforcement thereof, the said County of Madison is hereby divided into Five Subdivisions, to be known as Districts, and numbered respectively, from one to five, both inclusive. District No. 1 shall embrace and be composed of all that territory now constituting beats or precinct numbered Fourteen, Seventeen, Two Twenty Three, Twelve and Eleven and known respectively as Wells, Plevna, New Market, Sulphur Springs, Hazel Green and Meridianville. District No. 2 shall embrace and be composed of all that territory now constituting beats or precinct numbered Fifteen, Three Twenty-two and Sixteen and known respectively as Gurley, Maysville, Hurricane No. 1 and 2 and Deposit. District No. 3 shall embrace and be composed of all that territory now constituting beats or precinct numbered Six, Eighteen, Five, Thirteen, Nineteen and Four and known respectively as Whitesburg, Clouds Cove, New Hope or Vienna, Popular Ridge, Owens Cross Roads and Colliers. District No. 4 shall embrace and be composed of all that territory now constituting beats or precincts numbered Ten, Nine, Twenty-one and Eight and known respectively as Madison Cross Roads, Cloutersville, Monrovia and Madison. District No. 5 shall embrace and be composed of all that territory now constituting beats or precincts numbered One, Twenty, Twenty-four and Twenty-five and known respectively as, Huntsville, Dallas, West Huntsville, and Merrimack.

Section 4. One member of the Board of County Commissioners shall be elected from District No. 1 by the qualified voters of said District, every four years and he shall be a resident of said district. One member of the Board of County Commissioners shall be elected from District No. 2 by the qualified voters of said District, every four years and he shall be a resident of said District. One member of the Board of Commissioners shall be elected from District No. 3 by the qualified voters of said district, every four years and he shall be a resident of said district. One member of the Board of County Commissioners shall be elected from

District No. 4, by the qualified voters of said district, every four years and he shall be a resident of said district. Whenever a member of said Board from either of said districts shall remove from said district from which he was elected, his office on said Board shall become vacant and his successor should be appointed by the Board to serve until the next general election and until his successor is elected and qualified. The Chairman of the Board shall live in District No. 5 and shall be a resident of said District No. 5 at the time of his election or appointment and he shall be elected by the qualified voters from the County at large.

Section 5. Members of the Board of County Commissioners, shall be nominated by the voters of the respective Districts, who are authorized to participate in any primary, caucus or convention held or called by any party.

Section 6. The Chairman of the Board of County Commissioners shall be appointed by the Governor to hold until the next general election in 1924 and until his successor is elected and qualified. The term of the Chairman shall be four years and until his successor is elected and qualified, and the Chairman shall be elected at the general election 1924 and every four years thereafter. One member of the Board of County Commissioners for each district numbered one, two, three and four, shall be appointed by the Governor to hold until the next general election of 1924 and until their successors are elected and qualified. The term of said Four Commissioners shall be Four Years and until their successors are elected and qualified and a Commissioner for each of the said Districts numbered one, two, three and four shall be elected at the general election in 1924 and every four years thereafter.

Section 7. The Chairman of the Board of County Commissioners shall receive a salary of Twenty-Five Hundred (\$2500.00) Dollars per annum, payable monthly from the County Treasury, and the other four members of the Board of County Commissioners shall receive Eight (\$8.00) Dollars per diem for each day such member is in attendance upon the meeting of the Board, such compensation being payable from the County Treasury, provided that no such member of the Board except the Chairman thereof, shall receive compensation for his services in excess of Four Hundred (\$400.00) Dollars per annum.

Section 8. The Chairman of the Board of County Commissioners is required to give his entire time and attention to the business of the Board of County Commissioners; he shall be its presiding officer, and in addition to the rights, powers, and duties prescribed in this Act, he shall exercise and perform all other rights and duties in relation to the Board of County Commissioners, and shall be liable to the same penalties in connection therewith as are now exercised and performed by the President of the Board of Revenue of Madison County, and the Judges of Probate of the several counties of this State as provided under the general laws of the State, in relation to the Court of County Commissioners. He shall issue warrants to all persons whose claims have been allowed by the Board of County Commissioners and in the same manner and under the same restrictions as same have been hereunto issued by the President of the Board of Revenue or the Judge of Probate of Madison County.

Section 9. Each member of the Board of County Commissioners is hereby required, before entering upon the duties of his office, to make and file the statutory oath of office, together with a bond with a good and sufficient sureties, to be approved by the Judge of Probate of said County, payable to Madison County, conditioned for the faithful performance of the duties of their respective offices, such oath and bond to be filed with the Judge of Probate of said County. The bond of the Chairman of the Board is hereby fixed at Twenty Thousand (\$20,000.00) Dollars, and the bond of the other four members of the Board are hereby fixed at Five Thousand (\$5,000.00) Dollars each.

Section 10. The Board of County Commissioners shall hold regular meetings on the first Monday in each month, and may hold special meetings at any time on the call of the Chairman of the Board or of three members, entered in writing on the minutes of the Board. Three members of the Board shall constitute a quorum.

Section 11. The Board of County Commissioners may employ a competent Engineer who shall have charge and supervision of the Road Work in said County, and the Board of County Commissioners shall fix his compensation and prescribe his duties, and he shall be answerable to the Board of County Commissioners for the faithful performance of same. Said Board shall have the right to discharge said Engineer at any time they see fit without giving any reason therefor. The Board may employ a competent clerk and fix his compensation not to exceed One Thousand (\$1000.00) Dollars per annum. The Board shall have the right to discharge said Clerk at any time they see proper without giving any reason therefor.

Section 12. The Board of County Commissioners shall have all the jurisdiction and powers conferred, or which may hereafter be conferred, upon the Court of County Commissioners, Boards of Revenue, and other like governing bodies in the Counties of this State, by the general laws of the State.

Section 13. For the purpose of this Act, the Road year shall be deemed to begin October 1st and to end September 30th, of each year. No person under the age of Twenty-One years on October 1st of any year shall be liable for road duty for the road year.

Section 14. All persons liable for road duty are liable to work on the Public Roads of Madison County for a period not exceeding ten days in each road year, not counting the time spent in opening new roads, provided that a money compensation may be paid by any such person in lieu of road work, the amount of such compensation not to exceed Ten (\$10.00) per annum for each such person. The Board of County Commissioners shall fix number of days of work, and the amount of compensation that may be paid in lieu thereof, within the limits prescribed by this Act.

Section 15. Whenever the Board of County Commissioners shall fix the amount of compensation to be paid in lieu of road work, any person liable to road duty in said county may procure exemption from working the roads for that year by paying the sum so fixed by the Board to the Tax Collector of Madison County on or before March 1st of the year in which he is liable to road duty, and it shall be the duty of the Tax Collector to receive such payment and to give a receipt for same and the person holding same is required to exhibit such receipt to the person warning him for such service, in order to obtain exemption from road duty. The Board of County Commissioners shall each year on or before October 1st cause to be made out and delivered to the Tax Collector a list of all persons in each precinct who are subject to Road duty. It shall be the duty of a Tax Collector of Madison County to furnish the Board of County Commissioners by the 15th day of March of each year a properly verified list of all persons who have failed to obtain exemption from road work by the payment of money. The Tax Collector shall be paid by the County the sum of Twenty Five Cents for each person making payment, in lieu of road work as herein provided.

Section 16. Any person who is warned to work the roads in Madison County may obtain the benefit of the aforesaid provisions for the payment of the compensations in lieu of road work by paying such amount as may be specified by the Board of County Commissioners to the Tax Collector of Madison County on or before the 1st day of July of each year.

Section 17. Every person liable to road duty in the County of Madison and who does not procure exemption therefrom, as herein provided, is hereby required to work on any public road in the precinct of his resi-

dence to which he may be warned, and for each default he shall be guilty of a misdemeanor and punishable as provided by law.

Section 18. The Chairman of the Board of County Commissioners shall make a personal inspection of any and all roads under construction or repair in Madison County, necessary to keep him personally informed as to the character of work and condition of the road.

Section 19. Should any part or parts of this Act be declared unconstitutional, the other parts of the Act shall, nevertheless remain in full force and effect.

Section 20. All law, or parts of laws, local, general and special in conflict with this Act, be and the same are hereby repealed.

Dec. 3-10-17-24.

To Whom it May Concern:

This certifies that the attached Notice of a Bill to be Entitled An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, was published in The Huntsville Daily Times for four consecutive weeks, said notice appearing in the issues of said newspaper as of the dates Dec. 3, 10, 17 and 24, all in the year 1922.

J. E. Pierce,

Editor and General Manager.

Sworn to and subscribed before me this the 16th day of January, 1923.

Arvie Pierce,

(SEAL)

Notary Public.

By Mr. Garth:

S. 39. To amend Section 4497 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Inzer:

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

Judiciary.

By Mr. Oliver:

S. 41. To authorize and empower railroads and common carriers to issue intra-state passes to the members of the State Tax Commission, its Secretary, and other regular designated agents or representatives of said Commission, when travelling on official business.

Commerce and Common Carriers.

By Mr. Oliver:

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes, and also to alter and rearrange the boundary lines and to describe the area included in the City limits for school purposes and as a school district composed of the City of Talladega, Alabama.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

State of Alabama, }
Talladega County. }

Personally appeared before Emma Huey, a Notary Public in and for said State and County, John C. Williams, who being duly sworn according to law deposes and says that he is the publisher of the Our Mountain Home, a newspaper published in Talladega County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said paper for four consecutive weeks, to-wit; in the issues thereof dated as follows, to-wit: December 27, 1922, January 3, 1923, January 10, 1923, January 17, 1923.

John C. Williams.

Subscribed and sworn to before me this 17th day of January, 1923.

(SEAL)

Emma Huey,
Notary Public.

NOTICE OF THE INTENTION TO BE INTRODUCED AND HAVE ENACTED A LOCAL LAW.

Notice as provided by the Constitution and laws of Alabama is hereby given that a bill will be introduced in the next session of the Legislature of Alabama, and of the intention to apply for the enactment of said bill, such bill to be in substance as follows, to-wit:

A BILL TO BE ENTITLED AN ACT.

To alter and re-arrange the boundary lines of the City of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes, and also to alter and re-arrange the boundary lines and to describe the area included in the City limits for school purposes and as a school district composed of the City of Talladega, Alabama.

Be it enacted by the Legislature:

Section 1. That the boundary lines of the City of Talladega, in the County of Talladega and State of Alabama, be altered and re-arranged so that the City of Talladega shall include in its corporate limits the territory described as follows, to-wit: The Southeast quarter of Section Twenty-two, the South half of Southwest quarter and the Northeast quarter of the Southwest quarter of Section Twenty-two, the Southwest quarter of Section Twenty-three and the South half of the Southeast quarter of Section Twenty-three, all of Section Twenty-six, all of Section Twenty-seven, the East half of Section Twenty-eight, the North half of Northwest quarter and North half of Northeast quarter of Section Thirty-four, the North half of Northwest quarter and Northwest quarter of Northeast quarter of Section Thirty-five, all that portion of Northeast quarter of Northeast quarter of Section Thirty-three lying East of the Talladega and Sylacauga Public Road; all in Township Eighteen South, Range Five East; such area to be the area of the City of Talladega, Alabama, for all purposes other than school purposes.

Section 2. That the boundary lines of the City of Talladega, in the County of Talladega, State of Alabama, be altered and re-arranged so that the City of Talladega shall include in its corporate limits for school purposes and as a school district, the territory described as follows, to-wit: The South half of Section Fourteen, South half of Section Fifteen, South half of Section Sixteen, East half of Section Twenty, all of Section Twenty-one, all of Section Twenty-two, all of Section Twenty-three, all of Section Twenty-four, all of Section Twenty-five, all of Section Twenty-six, all of Section Twenty-seven, all of Section Twenty-eight, and the

East half of Section Twenty-nine, all of Section Thirty-three, all of Section Thirty-four, all of Section Thirty-five, and all of Section Thirty-six; all in Township Eighteen South, Range Five East, Talladega County, Alabama. The area described in this paragraph of this act shall be known and considered as the school district of the City of Talladega, and shall be subject to all the laws of Alabama applicable to the school district included in a city of over two thousand inhabitants.

Section 3. This said act shall take effect immediately upon its passage and approval.

By Mr. Foster:

S. 43. To provide for safety to life and property in this State in the construction of steam boilers; prescribing rules and regulations for boilers used in this State which will be uniform with other States rules now in existence, in order to provide for the free interchange of boilers between states; to provide penalties for violation of this Act.

Judiciary.

By Mr. Foster:

S. 44. To further regulate practice in Civil Cases in Courts of Law.

Judiciary.

By Mr. Foster:

S. 45. To further regulate pleadings in Courts of Law.

Judiciary.

By Mr. Foster:

S. 46. To amend Section 341 of the Code.

Revision of Laws.

By Mr. Foster:

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

Education.

By Mr. Foster:

S. 48. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Judiciary.

By Mr. Nolen:

S. 49. To amend section 5439 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Randall:

S. 50. To amend Section five (5) of an Act entitled "An Act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama and prescribe its powers and duties", approved September 23, 1919.

Finance and Taxation.

By Mr. Brooks:

S. 51. To make uniform the law of transfer of shares of stock in corporations.

Corporations.

By Mr. Brooks:

S. 52. To make uniform the law of bills of lading.

Commerce and Common Carriers.

By Mr. Hudgens:

S. 53. To amend an Act, entitled, "An Act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the Army or Navy of the Confederate States of America, and for their widows and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama and to prescribe its powers and duties", approved September 23, 1919.

Finance and Taxation.

By Mr. Middleton:

S. 54. To divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named.

Judiciary.

By Mr. Hildreth:

S. 55. To amend subdivision 5, of section 3052 of the Code, relating to the jurisdiction of the Equity Courts.

Judiciary.

By Mr. Howle:

S. 56. To provide a means whereby the county board of education may be required to arrange for the opening of the county high school on written petition signed by a majority of the patrons of the county high school, living outside of the incorporated town, as shown by the records in the office of the county high school for the next preceding year.

Education.

By Mr. Craft:

S. 57. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay, stream, or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

Judiciary.

By Mr. Craft:

S. 58. To impose a tax on the sale of gasoline, combinations thereof, and substitutes therefor, when sold in this State, to provide funds for the purpose of maintaining the seven per cent State and Federal Aid roads in this State, the funds obtained from said tax to be used for the purpose of maintaining and organizing a State patrol system to maintain and put in passable condition the seven per cent of State and Federal roads, under the direction of the State Highway Engineer, and to provide method of collecting and disbursing the funds derived thereby, and to provide penalties for violations of this Act.

Finance and Taxation.

By Mr. Martin:

S. 59. To provide that the purchase price at a mortgage foreclosure sale of real, personal or mixed property, shall not be conclusive as to its value and to provide further that in the event the maker or makers of any note secured by mortgage is sued for any balance due upon such instrument; after such foreclosure the maker or makers of any such instrument on the trial of such case may show in defense of said suit the reasonable market value of any such property sold under said foreclosure clause in said mortgage unless said foreclosure sale is had under the decree of a Court of competent jurisdiction.

Judiciary.

By Mr. Craft:

S. 60. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Finance and Taxation.

By Mr. Jones of Barbour:

S. 61: To repeal Section 2069 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Jones of Barbour:

S. 62. To repeal an Act entitled An Act to encourage the development of the various unused water-powers in this State, by exemptions from taxation for a period of ten years. Approved July 27, 1907.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waddell. (With Amendment).

S. 6. To provide for the organization, regulation, and government of the State Bar including admissions and disbarment of Lawyers.

Mr. Powell, Chairman of the standing Committee on Revision of Laws, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brower:

S. 9. To amend section 6032 of the Code of Alabama.

By Mr. Brower:

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the Municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

By Mr. McNeil:

S. 28. To amend section 1188 of the Code of 1907.

Mr. Ellis, Chairman of the standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Teasley:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

By Mr. Foster:

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

By Mr. Foster:

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

Mr. Duncan, Chairman of the standing Committee on Banking and Insurance, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Inzer. (With Substitute):

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

In compliance with law I do hereby appoint, subject to your approval and consent, A. E. Jackson, Superintendent of Banks, to become effective February 15, 1923.

Respectfully,

Wm. W. Brandon,

January 18, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Foster the Senate confirmed the appointment of His Excellency, the Governor, of A. E. Jackson, as Superintendent of Banks, as set out in the foregoing message.

Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Conecuh)	Powell
Carlton	Hildreth	Martin	Randall
Carmichael	Horton	Middleton	Slone
Craft	Howle	McNeil	Tunstall
Duncan	Hudgens	Nolen	Waddell

—32

Nays:—None.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

The nominations of Frank O. Deese, 3rd District; R. Heine, 4th District; L. J. Lawson, Jr., 6th District and J. B. Bell, 5th District, as trustees for the Alabama School for the Deaf and Blind at Talladega, made by the Governor under date of January 9, 1923, are hereby withdrawn and I respectfully request that you return the same to the Governor's office.

Respectfully,

Wm. W. Brandon,
Governor.

January 18, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Foster the nominations of trustees for the Alabama school for the Deaf and Blind at Talladega, made by the Governor under date of January 9, 1923, were withdrawn, returned from the Rules Committee and the Secretary instructed to forthwith return said nominations to the Governor's office.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

In compliance with the law I do hereby appoint, subject to your approval and consent, Colonel Hartley A. Moon to be the Adjutant General of Alabama.

Respectfully,

Wm. W. Brandon,
Governor.

January 18, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Foster the Senate confirmed the appointment by the Governor of Col. Hartley A. Moon, as Adjutant General of the State of Alabama.

Yeas, 34; Nays, 0.

Yeas:

Messrs:

Adams	Brower	Carlton	Craft
Brooks	Caffey	Carmichael	Duncan

Ellis	Hudgens	Middleton	Powell
Foster	Hutson	McNeil	Randall
Garth	Inzer	Nolen	Slone
Griffith	Johnson	Oliver	Teasley
Hildreth	Jones (Barbour)	Overton	Tunstall
Horton	Jones (Conecuh)	Pelham	Waddell
Howle	Martin		

—34

Nays:—None.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 3. Resolved by the House, the Senate concurring, That the Secretary of State be and is hereby requested to furnish each member of the Senate and House, a copy of the Code of 1907, and of all Acts since and including 1907.

And on motion of Mr. Martin, said report was adopted and the foregoing resolution concurred in by the Senate.

Yeas, 34; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson		

—34

Nays:—None.

Mr. Martin, Chairman of the standing Committee on Rules, reported that said committee in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report and with a request that it be re-referred to the standing Committee on Education, to-wit:

S. J. R. 20. Whereas, there is now pending before the Congress of the United States, a great Educational measure, known as the Towner-Sterling Bill, and

Whereas, it is of utmost importance that immediate and favorable action be taken on this said bill by our Congress,

Therefore, be it resolved, by the Senate of Alabama, the House of Representatives concurring, that the Congress of the United States, be and is hereby requested to immediately enact

into law, the said Towner-Sterling Bill, in order that the National program of Education may be carried out, and,

Be it further resolved, that a copy of these resolutions be sent to our Senators and Representatives in the Congress of the United States.

Pursuant to said request, the President of the Senate re-referred said Resolution to the standing Committee on Education.

BILL RETURNED AND RE-REFERRED.

Mr. Powell, Chairman of the standing Committee on Revision of Laws, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and with a request that it be re-referred to the standing Committee on Finance and Taxation:

S. 24. To Amend Chapter 21 of the Code of 1907 relating to the Geological Survey.

Pursuant to such request, the President of the Senate re-referred said bill to the standing Committee on Finance and Taxation.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported the following rules of the Senate, Session 1923, and moved that the rules be suspended and said report adopted, which motion prevailed and said report was adopted and the following rules adopted as the Rules of the Senate, and five hundred (500) copies of said rules ordered printed for the use of the Senate.

Yeas, 29; Nays, 5.

Yeas:

Messrs:

Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Hudgens	McNeill	Tasley
Craft	Hutson	Nolen	Tunstall
Duncan	Inzer	Oliver	Waddell
Ellis			

—29

Nays:

Messrs:

Adams	Griffith	Howle	Overton
Brower			

—5

The Committee on Rules reports the following Resolution:

Resolved: 1. That the following rules be adopted as the rules to govern the Senate in lieu of the rules adopted by Senate Resolution No. 1, to-wit:

RULES OF THE SENATE.

Regular Session, 1923.

Rule 1. The President having taken the Chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistakes may be corrected that shall be made in the entry.

2. Every Senator, when he speaks, shall address the Chair, standing in his place, and when he has finished, shall sit down.

3. No Senator shall speak more than twice on any question under debate, and shall not consume more than one hour at each time, without leave of the Senate; but the originator of the pending question, or chairman of the committee reporting the measure, shall have the right to conclude the debate, the originator of the pending question to have precedence.

4. When two or more Senators rise at the same time, the President shall name the Senator who is to speak first.

5. When a Senator shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate, and the President may call for the sense of the Senate on any question of order.

6. If a Senator be called to order by a Senator for words spoken, the exceptional words shall immediately be taken down in writing by the Secretary, that the President may be better enabled to judge of the matter.

7. No Senator shall absent himself from the service of the Senate, for as long as one day, without leave of the Senate first obtained. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Door-keeper, or any other person by them authorized, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senator unless such excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient, in which event the expense of securing the attendance of such Senator shall be paid out of the contingent fund.

8. When a motion shall be made, it shall be reduced to writing, if desired by the President, or any Senator, delivered at the table, and read, before the same shall be debated.

9. When a question is under debate, no motion shall be received but:

1. To adjourn,
2. To adjourn to a day certain,
3. To lay on the table,
4. To postpone indefinitely,
5. To postpone to a certain day,

6. To commit, or

7. To amend;

which several motions shall have precedence, in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

10. If the question in debate contains several points, any Senator may move for a division, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

11. In filling blanks, the largest sum and longest time shall be first put.

12. When the reading of any paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

13. The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the special orders of the day.

14. When the yeas and nays shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

15. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the chair.

16. All motions to go into executive session shall be decided without debate.

17. All joint resolutions, except those which require immediate action, shall be referred to the Committee on Rules, before they shall be considered by the Senate.

18. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate chamber, to present any petition, memorial or address, or to have any such read.

19. When a question has been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move for the re-consideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion,

upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for re-consideration be in order, unless made on the same day on which the vote was taken, or by 12 o'clock next day.

20. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent by answering their aye or no.

21. The President of the Senate shall have the right to name a Senator to perform the duties of the Chair, but such a substitution shall not extend beyond adjournment.

22. After reading the journal, business shall be called in the following order:

- 1st. Signing of bills by President,
- 2nd. Call of Districts,
- 3rd. House Messages.
- 4th. Report from Standing Committees,
- 5th. Reports from Select Committees,
- 6th. Motions and Resolutions.
- 7th. Bills on third reading,
- 8th. Regular order of the day at 12 M.,
- 9th. Miscellaneous business.

The Committee on Enrolled and Engrossed Bills, and on journal, may report at any time.

This order of the business cannot be set aside except by a majority vote of the Senate, upon a resolution, previously considered and reported by the Committee on Rules.

When reports of Standing Committees are in order, the Committee shall be entitled to the floor, last occupying it when the reports were in order.

These rules shall not interfere with special orders for particular days, or special orders for the Senate.

Special orders shall be called at the hour of 12 o'clock, unless specially set for some other hour; and a motion for a special order, if objected to, shall first be referred to and reported from the Committee on Rules.

Under call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to a committee, shall be introduced, and every bill, petition, memorial or other paper shall upon the first reading thereof, be referred by the President to the Standing Committee having the subject matter thereof under consideration unless the Senate by a majority vote order otherwise. And before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or the memorial shall be made verbally by the introducer.

23. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each reading of a bill whether it be the first, second or third, which reading shall be on three different days. And no bill shall become a law until it shall have been referred to a standing committee, acted upon by such committee in session, and returned therefrom, which fact shall affirmatively appear upon the journal of the Senate, and upon its final passage read at length, and the vote taken by yeas and nays, and the names of the Senators voting for and against the same be entered on the journal.

24. All bills carrying appropriations whether previously referred to another committee, shall be referred to the Committee on Finance and Taxation and reported therefrom.

25. The presiding Officer of the Senate shall in the presence of the Senate, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered upon the journal. And all the resolutions proposing amendments to the Constitution or to which the approbation or signature of the President may be requisite or which may grant money out of the contingent fund shall be treated in all respects in the introduction and form of proceedings thereon in the Senate in a similar manner with bills.

26. Bills on first reading shall be committed, and shall be read a second time when returned from the committee on any subsequent day.

27. The final question, upon the third reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to its being passed, shall be, "whether it shall be engrossed and read a third time," and no amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment, and if such commitment take place and any amendment be reported by the committee, the said bill, resolution, constitutional amendment or motion shall be again read a second time, and then the aforesaid question shall be put.

28. The special orders of the day shall not be called by the Chair before 12 o'clock, unless otherwise directed by the Senate.

29. The titles of bills and such parts thereof only as shall be effected by proposed amendments, shall be inserted on the journals.

30. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of its proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall be inserted on the journal.

31. The President of the Senate shall appoint the Chairman and members of the Standing Committees, and he shall appoint all other committees of the Senate, both special and joint.

32. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

33. That all executive messages be considered with open doors unless otherwise requested in said message, or otherwise ordered by a vote of the Senate.

34. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour, and a vote be taken on the measure. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon.

35. When any question may have been decided by the Senate, in which two-thirds of the Senators present are necessary to carry the affirmative, any Senator who votes on that side which prevailed in the question, may be at liberty to move for a re-consideration, and a motion for a re-consideration shall be decided by a majority of votes. And every bill, question or measure may be re-considered at any time before 12 o'clock of the succeeding day, that no motion to table a motion to re-consider shall be in order, if made on the same day the proposition proposed to be re-considered, was carried, and no motion to take from the table a motion to re-consider shall be in order, without giving one day's notice.

36. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

37. Messages may be introduced in any stage of business, except while a question is being put, while the yeas and nays are being called, or while the ballots are being counted.

38. Press reporters shall be placed on the floor of the Senate by the Secretary, or under his direction.

39. The presiding officer of the Senate shall have the regulation and control of such parts of the capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

40. Persons admitted on the floor of the Senate chamber while the Senate is in session: Members and former members

of the Legislature, officers and employees of the Two Houses, the Governor and his Secretary, representatives of the press, other persons to whom the Senate by unanimous vote may extend the privileges of its floor.

41. No smoking shall be allowed in the Senate chamber.

42. The time of meeting of the Senate each day shall be 10 o'clock A. M., except on Monday, on which it shall convene at 12 o'clock noon; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment, and the name of the member on whose motion of adjournment was had.

43. To aid in the dispatch of business, there shall be twenty-seven standing committees, upon the following subjects, and to consist of the number herein named:

1. On the judiciary, to consist of eleven members.
2. On revision of laws, to consist of eleven members.
3. On constitution and constitutional revision and amendments, to consist of eleven members.
4. On finance and taxation, including accounts and claims, fees and salaries, and contingent fund, to consist of eleven members.
5. On banking and insurance, to consist of seven members.
6. On penitentiary, prison and prison punishment, to consist of nine members.
7. On corporations, to consist of five members.
8. On local legislation, to consist of seven members.
9. On education, to consist of eleven members.
10. On commerce and common carriers, to consist of seven members.
11. On mining and manufacturing, to consist of five members.
12. On agriculture, to consist of seven members.
13. On municipalities and municipal organization, including charitable institutions, to consist of five members.
14. On counties and county boundaries, to consist of five members.
15. On immigration and industrial resources, to consist of five members.
16. On public buildings and grounds, to consist of five members.
17. On privileges and elections, including grievances, disabilities and registration, to consist of eleven members.
18. On printing, to consist of five members.
19. On public health, to consist of five members.
20. On military, to consist of three members.
21. On temperance, to consist of nine members.
22. On engrossed bills, to consist of three members.

23. On enrolled bills, to consist of three members.

24. On revision of the journal, to consist of five members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the General Assembly and report whether the journal contains the entries in reference thereto required by the Constitution.

25. On public roads and highways, to consist of nine members.

26. On game and forestry, to consist of five members.

27. On rules, to consist of five members, with the right to report at any time.

44. Bills on third reading postponed to a day certain, shall take precedence on such day, and from day to day thereafter, until disposed of, of bills on third reading, and the precedence of such postponed bills shall be in the order of their postponement, respectively.

45. No discussion or debate shall be allowed while a vote is being taken, except by unanimous consent of the Senate.

46. A motion to lay on the table amendment or substitute shall not carry with it the original bill, resolution, or proposition.

47. The Secretary of the Senate is required to furnish daily to the members of the Senate a printed calendar of all the bills and resolutions intended to have the force of laws on third reading in the order in which they are entitled to consideration.

48. When a committee has decided adversely to any bill or resolution, such action shall be indorsed thereon under Rule 51, and said bill forthwith delivered to the Secretary of the Senate, who shall note the unfavorable report on the register or docket of bills, and keep and print a calendar of same, adding bills from day to day without reprinting. Any Senator may, after one day's written notice, on the day named in said notice after the call of standing committees move the second reading of such bill or resolution when the same may, by a majority vote of the Senate, be read by its title a second time and placed on the calendar. Only 60 minutes to the side shall be allowed for the discussion of such motion—which may be divided as the Senators favoring and opposing the same may agree for their respective sides.

49. No motion to suspend, modify or amend any rule or any part thereof, shall be in order except on one day's notice in writing, specifying precisely the rule, or part thereof, proposed to be suspended, modified or amended and the purpose thereof; and before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and the said committee must report thereon; but any rule may be suspended

by unanimous consent of the Senate, and alterations of the rules shall be decided by a majority vote.

50. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate; provided, that this shall not apply to resolutions requiring immediate consideration.

51. The Secretary of the Senate in the keeping of the journal shall, on the introduction of a bill, make an entry as follows:

"INTRODUCTION OF BILLS."

Upon a call of districts, bills were introduced, severally read once and referred to appropriate standing committees as follows:

Setting out the number and title of the bill.

Committee on.....

52. When a bill shall be returned from a standing committee of the Senate, the Secretary shall make the journal read:

"Mr....., Chairman of the Standing Committee on....., reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a..... and they were severally read a second time and placed on the calendar, to-wit:"

53. When a bill has been acted upon by a standing committee of the Senate, the Chairman shall endorse on said bill:

"This bill was referred to the standing committee of the Senate on..... and was acted upon by such committee in session and is by order of the committee returned therefrom with....."

This..... day of....., 192.....

Chairman.....

54. That the Secretary of the Senate will provide the Chairman of each standing committee with a stamp with which to make such endorsements.

SIGNING OF BILLS.

55. The president of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

Report from the Committee on Enrolled Bills.

2. That the said rules together with the joint rules of the Senate and House, the standing Committees of the Senate and House, the names and titles of the officers of the Senate and House, and the names and addresses of the members of the Senate and House be printed and distributed among the members of the Senate.

REPORT FROM JOINT RULES COMMITTEE.

Mr. Martin, from the Joint Committee on Rules of the two Houses, reported the following as the Joint Rules of the two Houses of the Legislature of Alabama for the session 1923, and moved that the rules be suspended and said report adopted; which motion prevailed, and said report was adopted and the following rules were adopted as the Joint Rules of the two Houses for the session 1923:

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carmichael	Horton	Middleton	Slone
Craft	Hudgens	McNeil	Tasley
Duncan	Hutson	Nolen	Tunstall
Ellis	Inzer	Oliver	

—31

Nays:—None.

Report of Senate and House Committees on Rules.

Mr. President:

Your Committee on Rules beg leave to make the following report:

Resolved, That the Joint Rules of the Senate and House of the Legislature of Alabama shall be as follows:

JOINT RULES.

OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA,
SESSION 1923.

1. Upon the reception of a message from either House notifying the other of the originating and passing of bills, the Secretary or Clerk, as the case may be, shall immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and referred to a committee. The House, or Senate, as the case may be, shall then proceed

with the business upon which it was engaged when the message was received; provided, that messages from one House to the other shall take precedence over all other questions

2. When House or Senate bills are signed by the presiding officer of the House or Senate, thereupon the Clerk or Secretary, as the case may be, shall notify the other House and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. That no local or special bill shall be introduced into either House unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bill.

4. All bills for amendment to any Section or part of the Code, in which the subject matter is stated in the title by reference to the section or other sub-division of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or sub-section relates.

5. That the Secretary of the Senate or Clerk of the House, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both Houses, deliver the bill to the Governor, noting thereon the day and hour and minute of delivery, and shall make a written report thereof to the House or Senate, where the bill originated, showing the number and title of the bill and time of delivery, which shall be spread upon the Journal, and shall become a part of such Journal.

6. All legislative documents, reports or other papers with the exceptions of bills or resolutions, which may be ordered printed by either House, shall be issued in octavo form, 23 ems measure in width, 11 point type with 1 lead only, saddle stitched or wired on the side, and the title page shall have a heading in substantially the following form:

IN THE LEGISLATURE OF THE STATE OF
ALABAMA.

SESSION OF 1923.

Legislative Document No.
(or Calendar No., for that publication, with the name
of the Particular House.)

7. Bills or resolutions ordered printed by either House, or by any committee or the Chairman thereof under the rules of the respective Houses, shall substantially conform in size, paper and general style to the printed bills of Congress; shall be given

a printed bill number in the order received by the State printer, in addition to the Senate or House number; shall be printed on one side of the paper only; shall be saddle stitched or wired on the left side; and the heading of each shall be substantially as follows:

Printed _____ Senate (or House)
No. _____ No. _____

IN THE LEGISLATURE OF THE
STATE OF ALABAMA.
SESSION, 1923.

Jan. (or other date) _____ Senate (or House) Bill (or resolution) No. _____, introduced by Mr. _____ of _____ County.

Read 1 time and referred to committee on _____
(or such other action, showing status at date printed.)

Jan. (or other date) _____ copies ordered printed
by the Senate (or House.)

8. In addition to the number of copies of any bill, resolution, document or other printed paper which may be ordered printed by either House, or by any committee, or the chairman thereof, the State printer shall print two hundred additional copies for the use of the Department of Archives and History, unless otherwise ordered by the Director.

9. The privileges of the floor of both Houses are accorded the Director and Clerks of the Department of Archives and History, in aid of the reference work, required by law to be done by the Department for the members of the Legislature.

10. In consideration of the appropriation bills recommended by the Budget Commission, no amendment, except an amendment reducing or striking out items in the bill, shall be received or considered unless such amendment shall have first been considered by the Committee of the Whole House, of the House in which the amendment is offered and voted for by two-thirds of the members elected to said House.

RESOLUTION.

Mr. Jones of Barbour offered the following Joint Resolution:

S. J. R. 25. Whereas, it is believed to be the popular will that The Legislature of Alabama as speedily as may be repeal outstanding legislation in our tax laws exempting from taxation property situated in the State which should bear its just proportion of tax burdens.

Therefore, be it resolved, by the Senate of Alabama, the House of Representatives concurring that it is the sense of the

Legislature, that there be no adjournment thereof until said tax exemptions shall have been repealed; and that it is the further sense of the Legislature that such repeal be effected by or before the 1st of February, 1923; and that property now unjustly exempted from taxation may be taxed and required to bear its just proportion of the tax burdens for and during the present tax year.

And moved that said Resolution be put upon its immediate passage which motion prevailed, and said Resolution was adopted.

Yeas, 17; Nays, 16.

Yeas:

Messrs:			
Adams	Horton	Inzer	Middleton
Brower	Howle	Johnson	McNeil
Carmichael	Hudgens	Jones (Barbour)	Overton
Garth	Hutson	Martin	Slone
Griffith			

—17

Nays:

Messrs:			
Bonner	Duncan	Jones (Conecuh)	Randall
Brooks	Ellis	Nolen	Teasley
Caffey	Foster	Oliver	Tunstall
Carlton	Hildreth	Powell	Waddell

—16

RECONSIDERATION OF VOTE.

Mr. Inzer moved that the vote by which the above Senate Joint Resolution No. 25 was adopted, be reconsidered, which motion prevailed and said vote was reconsidered.

Yeas, 19; Nays, 15.

Yeas:

Messrs:			
Bonner	Ellis	Jones (Conecuh)	Randall
Brooks	Foster	McNeil	Teasley
Caffey	Garth	Nolen	Tunstall
Carlton	Hildreth	Oliver	Waddell
Duncan	Inzer	Powell	

—19

Nays:

Messrs:			
Adams	Griffith	Hutson	Middleton
Brower	Horton	Johnson	Overton
Carmichael	Howle	Jones (Barbour)	Slone
Craft	Hudgens	Martin	

—15

Thereupon said Resolution was referred to standing Committee on Rules.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

I am directed by the Governor to hand you herewith his message concerning the appointment of trustees for the Alabama School for the Deaf and Blind at Talladega, Alabama.

Respectfully,

A. L. Tyson,
Secretary to the Governor.

January 18, 1923.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

According to the provisions of section 1935 of the Code of 1907, vacancies occurring in the office of the trustees of the Alabama School for the Deaf and Blind at Talladega shall be filled by appointment of the Governor, by and with the consent of the Senate:

I, therefore, report to you the appointment of the following trustees for the Alabama School for the Deaf and Blind:

T. S. Frazer, Union Springs, for the Third District, to fill vacancy caused by the death of General George P. Harrison, for term ending November 28, 1926;

R. Heine, Talladega, for the Fourth District, for the term ending November 28, 1928;

J. B. Bell, Prattville, for the Fifth District, for the term ending November 28, 1928;

L. J. Lawson, Jr., Greensboro, for the Sixth District, for the term ending November 28, 1928.

I submit these appointments for your consideration and confirmation.

Respectfully,

Wm. W. Brandon,
Governor.

January 18, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Foster, the Senate confirmed the appointment by the Governor of the following trustees for the Alabama School for the Deaf and Blind:

T. S. Frazer, Union Springs, for the Third District, to fill vacancy caused by the death of General George P. Harrison, for term ending November 28, 1926;

R. Heine, Talladega, for the Fourth District, for the term ending November 28, 1928.

J. B. Bell, Prattville, for the Fifth District, for the term ending November 28, 1928.

L. J. Lawson, Jr., Greensboro, for the Sixth District, for the term ending November 28, 1928.

Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams
Bonner
Brooks

Caffey
Carlton
Carmichael

Craft
Duncan
Ellis

Foster
Garth
Griffith

Hildreth	Inzer	Middleton	Randall
Horton	Johnson	Nolen	Slone
Howle	Jones (Barbour)	Oliver	Teasley
Hudgens	Jones (Concuh)	Overton	Tunstall
Hutson	Martin	Powell	Waddell

—32

Nays:—None.

Mr. Hildreth offered the following Joint Resolution:

S. J. R. 26. Whereas, a vacancy now exists in the membership of the Supreme Court of the United States caused by the retirement of Justice Pitney; and whereas we regard Judge William I. Grubb, presiding over the Northern Federal Court, as one of the great outstanding figures of the Federal Judiciary, possessed of every qualification of mind and character requisite for the duties of the Supreme bench:

Therefore, be it resolved:

That the Senate of Alabama, the House concurring, does hereby earnestly urge the President of the United States to appoint Judge William I. Grubb to fill the said vacancy on the United States Supreme Court.

And the Secretary of State is hereby requested and directed to transmit forthwith a copy of this resolution to the President of the United States and to each member of the Alabama delegation in the Senate and House of Representatives of the United States.

Which was under a suspension of the Rules adopted by the Senate.

Mr. Duncan offered the following Joint Resolution:

S. J. R. 27. Resolved by the Senate, the House concurring, that

1. A joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby created, to consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the matters hereinafter referred to. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed study of the subjects herein referred to.

2. The committee shall fully consider and carefully prepare a constructive and practical system of agricultural legislation for the State of Alabama.

3. The committee shall make a full and detailed report of its investigations, recommendations, findings and plans pertaining to agricultural legislation, and prepare a bill or bills embodying its recommendations to be introduced in the Legislature immediately upon the reconvening of the Legislature after the recess. In its discretion the committee may cause its report to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

Which was read and referred to the standing Committee on Rules.

Mr. Ellis offered the following Senate Resolution:

S. R. 28. Resolved, That two hundred fifty (250) copies of Senate Bill 30 be printed and distributed among the Senators and Representatives, the said bill relating to the construction, maintenance and operation of a tuberculosis sanatorium.

Which was read and referred to the standing Committee on Rules.

Mr. Ellis offered the following Senate Resolution:

S. R. 29. Resolved, That five hundred (500) copies of Senate Bill 32 be printed and distributed among the Senators and Representatives, the said bill relating to the printing of text books and State printing.

Which was read and referred to the standing Committee on Rules.

Mr. Randall offered the following Senate Joint Resolution:

S. J. R. 30. Resolved by the Senate, the House concurring, that a joint committee of the Senate and House, consisting of five members from the Senate and eight from the House be appointed to investigate the expense of every department of the State with a view to putting into effect an economical administration of the affairs of the State.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House.

Yeas, 30; Nays, 0.

Nays:

Messrs:

Adams	Ellis	Jones (Barbour)	Overton
Bonner	Hildreth	Jones (Conecuh)	Pelham
Brooks	Horton	Martin	Powell
Caffey	Howle	Middleton	Randall
Carlton	Hudgens	McNeil	Slone
Carmichael	Hutson	Nolen	Tunstall
Craft	Inzer	Oliver	Waddell
Duncan	Johnson		

—30

Nays:—None.

Mr. Waddell offered the following resolution:

S. J. R. 31. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet on Monday, January 22, 1923 at twelve o'clock noon. Which was, under a suspension of the rules, adopted.

RECONSIDERATION OF RESOLUTION.

On Motion of Mr. Craft the Senate reconsidered the vote by which it adopted S. J. R. 31 above set out, and said Resolution was left on the Secretary's desk.

BILL ON THIRD READING.

The Bill:

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

Was taken up.

The Following Amendment offered by the Committee on Banking and Insurance to-wit:

Amend Senate Bill 17 as follows:

1. By striking out Section 1 of said Bill.
2. By striking out the words "Section 2" and adding in lieu thereof the words "Section One".

Was adopted.

Yeas. 29; Nays 1.

Yeas:

Messrs:

Adams
Brooks
Brower
Caffey
Carlton
Carmichael
Craft
Ellis

Foster
Garth
Griffith
Hildreth
Horton
Howle
Hudgens

Hutson
Inzer
Johnson
Jones (Barbour)
Jones (Conecuh)
Martin
Middleton

McNeil
Nolen
Oliver
Powell
Randall
Slone
Tunstall

Nays:

Mr. Waddell.—1.

And said Bill, as thus amended, was read a third time at length and passed.

Yeas, 32; Nays, 1.

Messrs:

Yeas:

Adams	Duncan	Hutson	Nolen
Bonner	Ellis	Inzer	Oliver
Brooks	Foster	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Powell
Caffey	Hildreth	Jones (Conecuh)	Randall
Carlton	Horton	Martin	Slone
Carmichael	Howle	Middleton	Teasley
Craft	Hudgens	McNeil	Tunstall

—32

Nays:

Mr. Waddell.—1.

LEAVE OF ABSENCE.

On motion of Mr. Waddell, he was granted leave of absence for tomorrow.

RESOLUTION.

Mr. Martin offered the following Senate Resolution:

S. R. 32. Resolved, That all committee clerks receive their per diem pay from and including the first day of the session.

Which was, under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate Joint Resolution No. 21, relative to extending an invitation to Admiral Benson, Senator Chamberlain and the Honorable Frederick I. Thompson, to address the Joint Session of the Legislature.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate Joint Resolution No. 6, relative to an invitation to the former head of the Polish Government, Paderewski, to address the Joint Session of the Legislature, at twelve o'clock Noon, on the day set for his visit to Montgomery.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended the Report of the Committee on Rules as to Joint Rules of the two Houses by amending Section 10 thereof. Said Section 10, as amended, being as follows:

"10. In consideration of the appropriation bills recommended by the Budget Commission, no amendment, except an amendment reducing or striking out items in the bill shall be received or considered unless such amendment shall have first been considered by the Committee of the Whole House, of the House in which the amendment is offered and voted for by a majority of the members elected to said House.

And as amended has adopted the Report of the Committee.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The foregoing House Message amending Joint Rule No. 10, was read and referred to the standing Committee on Rules.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill respectively, and find same correctly engrossed, to-wit:

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

Middleton,
Chairman.

ADJOURNMENT.

At twelve o'clock M., on motion of Mr. Duncan, the Senate adjourned until ten o'clock tomorrow morning.

SIXTH DAY.

Friday, January 19th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Mr. Adams of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

Garth

Griffith

Hildreth

Horton

Howle

Hudgens

Hutson

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)

Martin

Middleton

McNeil

Nolen

Oliver

Overton

Pelham

Powell

Randall

Slane

Teasley

Tunstall

34

JOURNAL.

On motion of Mr. Ellis the reading of the Journal of yesterday was dispensed with, and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Teasley:

S. 63: To amend section 2069 of the Code of Alabama of 1907.

Finance and Taxation.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Craft privileges of the Floor were extended to Hon. Robert Wininger and Sheriff Holcombe of Mobile for today.

REPORTS OF COMMITTEES.

Mr. Powell, Chairman of the standing Committee on Revision of Laws reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hutson:

S. 35. To amend an Act entitled "An Act to Amend Section 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

By Mr. Foster:

S. 46. To amend Section 341 of the Code.

By Mr. Nolen:

S. 49. To amend Section 5439 of the Code of Alabama of 1907.

Mr. Brooks, Chairman of the standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Oliver:

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes and also to alter and rearrange the boundary lines and to describe the area included in the City limits for school purposes and as a school district composed of the City of Talladega, Alabama.

By Mr. Garth:

S. 38. To create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing, in said county and abolishing said Board of Revenue of Madison County; to divide said County of Madison into Five districts defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners; fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this state; authorizing the appointment of said Board of County Commissioners of a Clerk; and a Supervisor of Public Roads; providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners.

ADVERSE REPORT.

Mr. Foster, Chairman of the standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with an adverse report:

By Mr. Griffith:

S. 14. To repeal an Act entitled "An Act to authorize the Governor to employ a special force of not more than ten men to serve under his immediate direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, and to provide compensation for their services," approved September 30, 1919.

RESOLUTION.

Mr. Randall offered the following Senate Joint Resolution: S. J. R. 33. Whereas, this day, January 19th, 1923, is the one hundred and sixteenth birthday of General Robert Edward Lee, peerless Christian gentleman and chivalrous soldier,

And whereas, the people of Alabama through their representatives have set apart this day each year as a legal holiday, be it resolved by the Senate, the House concurring, that we take this opportunity:

First, to re-affirm our belief in the principles of States rights, in defense of which this great soldier and patriot drew his sword and thousands of loyal Alabamians staked life and fortune.

Second, to proclaim our unqualified admiration for the noble qualities of character and the military abilities of General Lee, a native of Virginia, son of "Light Horse Harry Lee", a founder of the Republic; great-great-grandson of Martha Washington; an honor graduate of West Point; a skilled engineer, in strategy a genius; hero of the Mexican War in which he won promotion by remarkable feats of physical and moral courage, and was pronounced by Gen. Scott, his commander-in-chief as "the greatest living soldier in America"; Commander-in-chief of the armies of the Confederate States of America;

Third: to point to his patience and forbearance under all circumstances; his humane qualities in peace and war; his steadfast refusal to capitalize a people's love for personal gain when the fortunes of war had left him a defeated commander, though a triumphant and idolized hero; an example without parallel in the history of military leaders.

Fourth, in consideration of the foregoing be it resolved that the members of this body, pause in their deliberations, rise, and in a moment of silence, re-dedicate ourselves as men and public servants to a fuller performance of our obligations.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House without engrossment.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following Joint Resolution and sends same herewith to the Senate:

HOUSE JOINT RESOLUTION NO. 13 BY AGRICULTURAL COMMITTEE.

H. J. R. 13. Resolved by the House, the Senate concurring, that

1. A joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby created, to consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from the House, to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the matters hereinafter referred to. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed study of the subjects herein referred to.

2. The committee shall fully consider and carefully prepare a constructive and practical system of agricultural legislation for the State of Alabama.

3. The committee shall make a full and detailed report of its investigations, recommendations, findings and plans pertaining to agricultural legislation, and prepare a bill or bills embodying its recommendations to be introduced in the Legislature immediately upon the reconvening of the Legislature after the recess. In its discretion the committee may cause its report to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolution No. 13 set out in the foregoing message from the House was read and referred to the standing Committee on Rules.

RESOLUTION.

Mr. Martin offered the following Senate Joint Resolution:

S. J. R. 34. Be it resolved by the Senate of Alabama, the House of Representatives concurring, that when both Houses adjourn today, January 19, 1923, that they do adjourn to meet Tuesday, January 23, 1923, at 2 P. M.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House.

BILL RETURNED AND RE-REFERRED.

Mr. Powell, Chairman of the standing Committee on Revision of Laws, reported that said committee in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and with a request that it be re-referred to the standing Committee on Finance and Taxation, to-wit:

S. 61. To repeal Section 2069, of the Code of Alabama of 1907.

Pursuant to such request the President of the Senate re-referred said bill to the standing Committee on Finance and Taxation.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the standing Committee on Rules, reported that said committee in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 27. Resolved by the Senate, the House concurring, that

1. A joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby created, to consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from the House, to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the matters hereinafter referred to. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed study of the subjects herein referred to.

2. The committee shall fully consider and carefully prepare a constructive and practical system of agricultural legislation for the State of Alabama.

3. The committee shall make a full and detailed report of its investigations, recommendations, findings and plans pertaining to agricultural legislation, and prepare a bill or bills embodying its recommendations to be introduced in the Legislature immediately upon the reconvening of the Legislature after the recess. In its discretion the committee may cause its report to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

And on motion of Mr. Martin, said report was concurred in and said resolution put up on its immediate passage and adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	McNeil
Bonner	Ellis	Hutson	Nolen
Brooks	Foster	Inzer	Oliver
Brower	Garth	Johnson	Overton
Caffey	Griffith	Jones (Barbour)	Pelham
Carlton	Hildreth	Jones (Conecuh)	Powell
Carmichael	Horton	Martin	Slone
Craft	Howle	Middleton	

—31.

Nays:—None.

Mr. Martin, Chairman of the standing Committee on Rules, reported that said committee in session, had acted on the following Amendment to the Joint Rules of the two Houses and ordered same returned to the Senate with a favorable report, to-wit:

Amend Section 10 as follows:

"10. In consideration of the appropriation bills recommended by the Budget Commission, no amendment, except an amendment reducing or striking out items in the bill, shall be received or considered unless such amendment shall have first been considered by the Committee of the Whole House, of the House in which the amendment is offered and voted for by a majority of the members elected to said House.

And on motion of Mr. Martin said report was concurred in and the Amendment adopted.

RESOLUTIONS.

Mr. Garth offered the following Joint Resolution:

S. J. R. 35. Whereas, the question of abolishing the office of Tax Adjuster of the several counties in Alabama was made a campaign issue in the last election, both as to Legislative and Executive offices, and

Whereas, practically all candidates for office in the last democratic primary pledged the people in the event of their election said office would be abolished; and

Whereas, under the existing law the Tax Adjusters are now actively engaged throughout the state in fixing values upon property, and will on the first Monday in May file with the several Tax Assessors valuations as fixed by them, and after three weeks notice given by the Tax Assessors, the said Adjusters will meet in the several counties of the State on the first Monday in June, at which time all of said valuations will be made final, and

Whereas, upon making the valuations final upon real estate, said valuations remain the assessed values for the next two years, and

Whereas, if action is not taken by the Legislature before recessing to a later date, the tax payers of Alabama will be deprived of the relief promised them in campaign pledges.

Therefore, be it resolved by the Senate, the House concurring, that it is the sense of the Legislature that it remain in session and not adjourn more than three days at a time until the office of the Tax Adjuster in the several counties is abolished and their duties placed upon the several Tax Assessors and Boards of County Commissioners or Boards of Revenue of the several counties, and thereby carry out the pledge made to the people of Alabama.

Which was, under a suspension of the rules, adopted.

Mr. Pelham offered the following Senate Joint Resolution:

S. J. R. 36. Be it resolved by the Senate, the House concurring, that Hon. C. E. McCall, Chief Examiner of Public Accounts, is hereby requested to furnish the Senate, as soon as practicable with a list of all employees in the pay of the State in every department conducting the business of the State, their names, sex and amount of salary paid to each.

Which was, under a suspension of the rules, adopted.

Mr. Foster offered the following Senate Resolution:

S. R. 37. Resolved: That no bills carrying appropriation be considered by the Senate, until the re-convening of the Legislature after recess, except such as may be necessary to carry on legislative work, unless the Governor shall request an appropriation.

Which was read and referred to the standing Committee on Rules.

BILLS ON THIRD READING.

The Bill:

S. 6. To provide for the organization, regulation, and government of the State Bar including admissions and Disbarment of Lawyers.

Was taken up.

On motion of Mr. Powell consideration of this bill was postponed until the next Legislative day, on account of the absence of Mr. Waddell, its author.

The Bill:

S. 9. To amend section 6032 of the code of Alabama.
Was read a third time at length and passed.

Yeas, 27; Nays, 0.

*Yeas:**Messrs:*

Adams	Griffith	Johnson	Overton
Brooks	Hildreth	Jones (Barbour)	Pelham
Brower	Horton	Jones (Conecuh)	Powell
Caffey	Howle	Middleton	Randall
Carmichael	Hudgens	McNeil	Slone
Craft	Hutson	Nolen	Teasley
Duncan	Inzer	Oliver	

—27

*Nays:—None.***The Bill:**

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the Municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

*Yeas:**Messrs:*

Adams	Foster	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Powell
Caffey	Horton	Martin	Randall
Carmichael	Howle	Middleton	Slone
Craft	Hudgens	McNeil	Teasley
Ellis	Hutson	Nolen	Tunstall

—32

*Nays:—None.***The Bill:**

S. 28. To amend section 1188 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 34; Nays, 0.

*Yeas:**Messrs:*

Adams	Caffey	Duncan	Griffith
Bonner	Carlton	Ellis	Hildreth
Brooks	Carmichael	Foster	Horton
Brower	Craft	Garth	Howle

Hudgens	Jones (Conecuh)	Oliver	Randall
Hutson	Martin	Overton	Slone
Inzer	Middleton	Pelham	Teasley
Johnson	McNeil	Powell	Tunstall
Jones (Barbour)	Nolen		

—34

Nays:—None.

The Bill:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Was ordered engrossed and read a third time.

Mr. Howle moves unanimous consent to offer an Amendment which Amendment, was on motion of Mr. Teasley, declared out of order.

Mr. Howle then moved that the vote by which said bill was ordered to an engrossment on third reading be reconsidered, which motion prevailed and said vote was reconsidered.

Mr. Howle then offered the following Amendment to said bill, to-wit:

Amend said bill by striking the words "Five Dollars per day" and inserting the words "Three Dollars per day".

Mr. Teasley moved that said Amendment be laid on the table, which motion prevailed and the Amendment was laid on the table.

Yeas, 24; Nays, 9.

Yeas:

Messrs:			
Bonner	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Carlton	Garth	Jones (Conecuh)	Powell
Carmichael	Griffith	Middleton	Randall
Craft	Hildreth	McNeil	Teasley
Duncan	Horton	Nolen	Tunstall

—24

Nays:

Messrs:			
Adams	Hudgens	Jones (Barbour)	Pelham
Caffey	Johnson	Martin	Slone
Howle			

—9

Mr. Jones of Barbour offered the following Amendment to said bill:

Provided that in no case shall such traveling and maintenance expenses exceed the actual railroad fare expended in traveling by the shortest route and three dollars per day for maintenance.

Mr. Teasley moved that the Amendment offered by Mr. Jones of Barbour be laid on the table, which motion prevailed and the Amendment was laid on the table.

Mr. Jones of Barbour moves a yea and nay vote on the above Amendment, which was overruled by the chair on the ground that the chair had already announced the result.

Said bill was then read a third time at length and passed.

Yeas, 22; Nays, 11.

Yeas:

Messrs:

Bonner	Ellis	Jones (Conecuh)	Overton
Brooks	Foster	Middleton	Powell
Brower	Griffith	McNeil	Randall
Carlton	Hildreth	Nolen	Teasley
Carmichael	Horton	Oliver	Tunstall
Craft	Inzer		

—22

Nays:

Messrs:

Adams	Howle	Johnson	Pelham
Caffey	Hudgens	Jones (Barbour)	Slone
Garth	Hutson	Martin	

—11

The Bill:

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Bonner	Foster	Johnson	Oliver
Brooks	Garth	Jones (Barbour)	Overton
Brower	Griffith	Jones (Conecuh)	Pelham
Cahey	Hildreth	Martin	Powell
Carlton	Horton	Middleton	Randall
Craft	Howle	McNeil	Slone
Duncan	Hudgens	Nolen	Tunstall
Ellis	Inzer		

—30

Nays:—None.

The Bill:

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

Was read a third time at length and passed.

Yeas, 34; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall
Duncan	Hutson		

Nays:—None.

—34

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

Was taken up.

The Standing Committee on Banking and Insurance offered the following substitute for said bill, to-wit:

A BILL.

To be entitled an act to provide for the withdrawal of any deposit of mutual aid or industrial association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

Be it enacted by the Legislature of Alabama:

Section 1. That when any Mutual Aid or Industrial Association or Corporation shall cease to do business in this State, and re-insures all its policy contracts with policy holders in this State, with some insurance company authorized to do business in this State, and having on deposit in this State the deposit required by law of insurance companies to do such business, and shall have paid all its outstanding obligations to citizens in this State, it shall be permitted to withdraw any deposit it may have with this State.

Section 2. Any corporation or association desiring to withdraw its deposit under the provisions of this Act, shall file with the Insurance Commissioner a copy of its re-insurance contract, which re-insurance contract must be approved by the Insurance Commissioner, and in addition thereto shall file a statement, under oath, of its President or managing officer, stating that all its policy contracts issued to policy holders in this State have been re-insured and all its debts to the citizens of this State have been paid. Upon the filing and approval of such re-insurance contract and the statement under oath of such President or other managing officer, the Insurance Commissioner shall

issue to such corporation or association a certificate that it is authorized to withdraw deposit with the State and such certificate shall be sufficient warrant to any officer of the State having the custody of such deposits to deliver the same to such association or corporation or its duly authorized agent. The Insurance Commissioner, before issuing such certificate, may demand other proof of the facts set forth in statement of the President or Managing Officer of such association or corporation, and when demanded must be furnished so as to reasonably satisfy him of the truthfulness of such statement.

Section 3. This Act shall take effect immediately after its approval, and all laws and parts of laws in conflict herewith are hereby repealed.

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Adams	Griffith	Johnson	Pelham
Brooks	Hildreth	Jones (Barbour)	Powell
Brower	Horton	Jones (Conecuh)	Randall
Duncan	Howle	Middleton	Slone
Ellis	Hudgens	McNeil	Teasley
Foster	Hutson	Nolen	Tunstall
Garth	Inzer	Oliver	

Nays:—None.

—27

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Johnson	Oliver
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carmichael	Hudgens	Middleton	Slone
Craft	Hutson	McNeil	Teasley
Duncan	Inzer	Nolen	Tunstall

Nays:—None.

—28

RESOLUTION.

Mr. Inzer offered the following Joint Resolution:

S. J. R. 38. Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House, to be appointed by the speaker of the House, which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and detailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature not later than the twenty-fifth legislative day thereof, together with such suggested bills and resolutions as the committee may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama. The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

Which was read and referred to the standing Committee on Rules.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the standing Committee on Rules, reported the following Senate Resolution:

S. R. 39. Resolved: That no resolutions shall be considered by the Senate, unless and until such resolution is referred to and reported back by an appropriate committee.

Which was, under a suspension of the rules, adopted.

Mr. Martin, Chairman of the standing Committee on Rules, reported that said committee in session, had acted on the fol-

lowing resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 37. Resolved: That no bills carrying appropriations be introduced or considered by the Senate, until the re-convening of the Legislature after recess, except such as may be necessary to carry on legislative work, unless the Governor shall request an appropriation.

And on motion of Mr. Martin said report was concurred in and said resolution adopted by the Senate.

NOTICE.

Mr. Griffith gave the Senate the following notice in writing:

Notice is hereby given that a motion will be made on the 8th Legislative day to take from the adverse calendar Senate Bill No. 14.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following S. J. R. with the engrossed and original Resolutions respectively, and find same correctly enrolled, to-wit:

S. J. R. 6—relative to extending to Paderewski, former head of the Polish Government, an invitation to address the Legislature of Alabama in joint session, on the day of his arrival in the City of Montgomery, at twelve o'clock, noon.

S. J. R. 21—relative to the Legislature of Alabama extending an invitation to Admiral Benson, Senator Chamberlain, and the Hon. Frederick I. Thompson, of the United States Shipping Board, to address in joint session the Legislature of Alabama at their earliest convenience, on the benefits of a Merchant Marine, of a Ship Subsidy, to keep the American flag afloat on the seas of the world. And that this resolution be sent by the Governor to the above named gentlemen.

C. R. Horton,
Chairman.

SIGNING OF JOINT RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Joint Resolutions, the titles of which are set out in the foregoing Report From the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The house has concurred in and adopted Senate Joint Resolution No. 33, Relative to the birthday of General Robert E. Lee.

Also,

Senate Joint Resolution No. 34, relative to the adjournment of both Houses to-day until Tuesday, January 23, 1923. 2 P. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Kilpatrick:

H. J. R. 17. Whereas, the continued admission of undesirable immigrants into the United States under the operation of our present laws, taken in connection with the vast number of unnaturalized and un-assimilated persons heretofore admitted through lax laws, constitutes a vital and growing menace to American institutions and American ideals; and,

Whereas, if this menace is not checked it will eventually undermine and destroy respect for law, orderly government, every patriotic impulse and the loyal character of American citizenship as well as disorganize our industrial and economic structure and ought, therefore, to be the concern of every true American; now, therefore, be it

Resolved by the House, the Senate concurring, that the members of the Alabama delegation in the National Congress be requested and urged to oppose with all their power any effort to repeal any of the present Federal laws restricting and limiting immigration; and be it

Resolved further that the Alabama Senators and Representatives in Congress be urged and requested to support all measures which will suspend and forbid all immigration for such period of time as will enable the formulation of a definite and constructive plan for the protection of America against the dangerous influx of aliens who are not in sympathy with American ideals and institutions.

Resolved further that the Clerk of the House forthwith forward a copy of this resolution to the Senators and Representatives in Congress from Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House Joint Resolution No. 17, set out in the foregoing Message from the House, was read and referred to the standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Culver:

H. J. R. 14. Resolved, that a joint committee from the Senate and the House of Representatives of the Legislature of Alabama is hereby authorized to consist of two members from the Senate to be appointed by the President of the Senate and of three members from the House to be appointed by the Speaker of the House, which shall consider and recommend to the Legislature the per diem and mileage which members of recess committees of the Legislature shall receive.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House Joint Resolution No. 14, set out in the foregoing Message from the House, was read and referred to the standing Committee on Rules.

ADJOURNMENT.

At 12:05 P. M. on motion of Mr. Adams and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 23rd, 1923, at 2:00 P. M.

SEVENTH DAY.

Tuesday, January 23rd, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

Rev. Dr. Frank Willis Barnett of Birmingham.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

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JOURNAL.

On motion of Mr. Powell, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Duncan:

S. 64. To provide for levying and collecting a tax upon all the natural resources severed from the soils and waters of this State, as timber, turpentine, all minerals including oil, gas, sulphur, salt, coal, iron ore, limestone, marble, graphite, sand, gravel, and all products of the waters, as oysters and shrimp and all other natural products of the soils and waters of the state so severed, and to provide for the collection of such severance tax, to fix penalties for violation of this Act or failure to comply with the provisions of it, and to provide for the appropriation and disbursing of the amounts accruing to the State from said

severance tax to the public schools, including the normal schools and the three institutions of higher learning, the University of Alabama, the Alabama Polytechnic Institute, and the Alabama Technical Institute and College for Women.

Finance and Taxation.

By Mr. Griffith:

S. 65. To amend Section 2 of an Act entitled "An Act to designate the persons who are authorized to purchase, have shipped from outside of the State, receive, accept delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State," approved September 30, 1919.

Temperance.

By Mr. Garth:

S. 66. To amend Schedule 129 of Section 361 of an Act approved September 15, 1919, and entitled "An Act to provide for the general revenue of the State of Alabama."

Finance and Taxation.

By Mr. Garth:

S. 67. To repeal Section 26 of an act entitled "An Act to regulate primary elections in the State of Alabama."

Privileges and Elections.

By Mr. Brower:

S. 68. To define, regulate and license real estate brokers and real estate salesmen; to create a State Real Estate Commission; and to provide a penalty for a violation of the provisions hereof.

Finance and Taxation.

By Mr. Brower:

S. 69. To make it unlawful for any person, firm or corporation, with intent to defraud, to make or draw or utter or deliver any check, draft or order for the payment of money, and to receive thereon or therefor money or anything of value, when the drawer or maker of such check, draft or order for the payment of money has not sufficient funds in or credit with ~~the bank or trust company or other depository~~ upon which the same is drawn and to make the drawing, uttering or delivering of such check or draft or order for the payment of money under such circumstances prima facie evidence of such fraudulent intent, and to provide for the giving of notice by the payee of such check or draft or unpaid check or draft to the solicitor of the county wherein said check or draft or order for the payment of money is given or uttered, and to provide for the prosecution of the person, firm or corporation making or uttering said draft or check or order for the payment of money by the solicitor of the county wherein said check or draft or order

for the payment of money was given or uttered upon the receipt by him of such notice.

Judiciary.

By Mr. Carmichael:

S. 70. To fix the remuneration, salaries, fees and allowances of the Judges of the Probate Courts of the several Counties of Alabama, whose population is less than sixty thousand; to provide for the collection and payment into County Treasuries of fees, emoluments, costs and compensation of every kind, earned, collected or paid to such officials; to provide for salaries to be paid Judges of Probate and Clerks in their offices; and to provide a method of fixing the salaries and remuneration of such officials and clerks and of changing the same from time to time; to fix the time when this Act shall become effective and to provide for time when change of population shall cause change in mode of remuneration of Judges of Probate Courts; to require Judges of Probate Courts to keep fee books and to provide punishment for failure so to do; to provide for punishment for violation of provisions of this Act and to give Counties rights of action against Probate Judges in certain cases.

Judiciary.

By Mr. Slone (By Request):

S. 71. To amend Section five (5) of an act, approved September 25, 1915, and entitled, "An Act to provide for the election of a Solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority and fix their compensations."

Judiciary.

By Mr. Hildreth:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties."

Public Roads and Highways.

By Mr. Craft:

S. 73. To prescribe and fix the amount of pension to be paid to all soldiers and sailors in the military or naval service of this State or the Confederate States, in the war between the States, 1861-1865, who are now, or who shall hereafter become

entitled under any law of this State, to pension; and to prescribe and fix the amount of pension to be paid to the widows of all such soldiers and sailors; and to abolish all classification of such widows as now provided by law, and to require such pensions to be paid in quarterly installments, on the first day of January, April, July and October of each year; and to repeal all laws in conflict with this Act.

Finance and Taxation.

By Mr. Craft:

S. 74. To provide funds to meet Federal Funds for deepening the Bayou LaBatre Channel from the Port of Bayou LaBatre to the point where said Channel of Bayou LaBatre enters Mobile Bay.

Finance and Taxation.

By Mr. Craft:

S. 75. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

Education.

By Mr. Craft:

S. 76. To require instruction in the public schools in this State in regards to the humane protection of animals.

Education.

By Mr. Howle:

S. 77. To make County Superintendents of Education elective by a vote of the qualified electors of their respective counties.

Education.

By Mr. Martin:

S. 78. To provide for loading, shipping and sale of watermelons and prescribing penalties for the violation thereof.

Agriculture.

By Mr. Martin:

S. 79. To further provide for construction and maintenance of the public roads and bridges of Alabama now and hereafter under jurisdiction of the several courts of county commissioners and other like governing bodies of their respective counties, by levy, collection and expending a gasoline tax, and to provide penalties for violations of this Act, and to repeal all laws and parts of laws in conflict herewith.

Public Roads and Highways.

By Mr. Martin:

S. 80. To amend section 1191 of the Code of 1907 of Alabama:

Revision of Laws.

By Mr. Martin:

S. 81. To amend section 2472 of the Code of 1907 of Alabama:

Revision of Laws.

By Mr. Garth. (By request):

S. 82. To provide for experiments and demonstrations in the production of cotton and other crops under present and boll weevil conditions under the direction of the Commissioner of Agriculture and Industries and the Governor; to provide for experiments and demonstrations of quick acting nitrogenous fertilizers; to make appropriation to be used for purposes named in Act; and to create and provide for use of a Nitrate Experiment Fund.

Agriculture.

By Mr. Foster:

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled "An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said department."

Finance and Taxation.

By Mr. Foster:

S. 84. To amend Section 1 of an Act approved February 11th, 1919, entitled "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State Budget Commission, and prescribe rules and regulations governing the same."

Finance and Taxation.

By Mr. McNeil:

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Education.

By Mr. Brower:

S. 86. To regulate the office of Sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the Sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the Sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees

for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailors; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose compensation is to be fixed by the board of revenue, and paid out of the general fund; and providing when and how this act shall become effective.

Judiciary.

By Mr. Craft:

S. 87. To require all motor drivers in Alabama to stop on reaching any railroad, interurban car track, tram road track or other similar crossing, in rural districts, and to provide penalties for any violation thereof.

Judiciary.

REPORT OF COMMITTEE.

Mr. Bonner, Chairman of the standing Committee on Temperance reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bonner (with amendment):

S. 1. To prohibit any and all forms of amusements on Sunday where an admission fee is charged and to provide punishments for violations thereof, and to repeal all general, special or local laws in conflict there with, and to repeal any part or parts of any Act or Acts creating City Commissions, in conflict with the provisions thereof.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 35 relative to abolishing the office of Tax Adjuster of the several counties in Alabama, and returns same herewith to the Senate.

And the Speaker of the House in accordance with S. J. R. 15 by Mr. Duncan, has named as the Committee on the part of the House the following:

Messrs. Verner, chairman; Snodgrass, Sollie.

J. H. Stewart,
Clerk.

APPOINTMENT OF COMMITTEE.

Pursuant to:

S. J. R. 15. Creating a Joint Committee of two from the

Senate and three from the House to draft a resolution urging Congress to accept the Ford offer for Muscle Shoals.

The President and presiding officer of the Senate appointed as a committee on part of the Senate, Messrs: Duncan and Bonner.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Carlton, the privileges of the floor were extended to Hon. George Pegram and Captain Coleman for today.

RESOLUTIONS.

Mr. Tunstall offered the following Senate Joint Resolution:

S. J. R. 40. Joint Resolution of Assent to Act of Congress for the promotion of the Welfare and Hygiene of Maternity and Infancy.

Whereas, the Congress of the United States has passed an Act approved by the President, November 23, 1921, entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes", and

Whereas, it is provided in Sections 2 and 4 of the Act aforesaid, that the grants of money authorized by this Act "shall be paid annually to each State," and "That in order to secure the benefits of the appropriations x x x any state, shall through the legislative authority thereof, accept the provisions of the Act and designate or authorize the creation of a State agency with which the Children's Bureau shall have all necessary powers to co-operate as herein provided in the administration of the provisions of this Act; Provided that in any State having a child-welfare or child-hygiene division in its State agency of health the said State Board of Health shall administer the provisions of this Act through such divisions"; therefore be it

Resolved, by the Senate of Alabama the House concurring, that the assent of the legislature of the State of Alabama be and is hereby given to the provisions and requirements of said Act, and the Treasurer of the State of Alabama be and he is hereby authorized and empowered to receive the grants of money appropriated under said Act; and the State Board of Health be and is hereby authorized to organize and conduct the work in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

Which was read and referred to the standing Committee on Rules.

Mr. Martin, Chairman of standing Committee on Rules, reported the following Senate Resolution:

S. R. 41. Resolved that the Secretary of the Senate be and

is authorized to employ five additional clerks for work in his office, and that he shall assign them also to work with such committees as may need clerical help.

And on motion of Martin, said report was concurred in and said Resolution adopted.

Yeas, 34; Nays, 1.

Yeas:

Messrs:

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Ellis	Inzer		

—34

Nays:

Mr. Duncan—1.

Mr. Jones of Barbour offered the following Senate Joint Resolution:

S. J. R. 42. Whereas, the supply of school text books to the pupils attending the public schools of Alabama is one of the important matters brought to the attention of the Legislature, affecting as it does, the welfare of every child in the State of Alabama; and the State having undertaken to compel the use of such books as shall be prescribed by the State text book commission, and no other, owes it as the duty of paramount importance to exert every effort to secure an adequate supply of books and at the lowest possible cost; and

Whereas, the State of Alabama expends large sums annually for the purpose of printed supplies for the executive, judicial and Legislative department and institution owned and maintained by the State, it is a matter of utmost importance in the interest of economy that the State exert every need to assure the supply of its own necessities of this kind at the lowest possible cost;

Now, therefore, be it resolved, by the Senate of Alabama, the House of Representatives concurring, that a joint recess committee of the Legislature of Alabama be raised to consist of two members of the Senate, three members of the House and a representative to be designated by the Governor and a Representative to be designated by the Superintendent of Education the two last named to sit in an advisory capacity on such committee, whose duty it shall be to make a thorough and exhaustive study of all such plans and methods of supplying

school text books to the children of the public schools of Alabama, and the supplying of all printed supplies, including stationery of the several executive, judicial and Legislative department, and the several State owned and maintained institutions as may be brought to their attention, including the proposed plan to establish a State printing plant for that purpose; that this committee shall be empowered to sit at such place or places as they may deem advisable; shall be empowered to employ one clerk who shall be a stenographer; shall be authorized to print their report and recommendations including such evidence as they may deem advisable to print, as a Legislative document; that they shall be authorized in their discretion to make a thorough personal investigation of such State owned printing plant as they may deem advisable and assemble at first hand all data and information possible to obtain with reference to the practical, economical and educational efficiency of the proposed plan and are authorized to report and recommend any plan they deem wise.

The expenses of this recess committee and its clerk including the sum of four dollars per diem for each member and the clerk, except advisory members drawing other compensation from the State shall not receive per diem, shall be paid by the State Auditor upon certificate of the chairman of such committee by warrant on the State Treasurer in the same manner that other Legislative expenses are paid.

Which was read and referred to the Standing Committee on Finance and Taxation.

Mr. Craft offered the following Senate Joint Resolution:

S. J. R. 43. Whereas, the Southern Forestry Congress will hold its Fifth Annual Convention in the City of Montgomery, Alabama, on January 29th, -31st, inclusive:

Therefore be it resolved by the Senate, the House concurring, that a Joint Resolution be passed inviting Hon. H. S. Graves, Professor of Yale School of Forestry, Henry E. Hardtner, a practical lumberman, and E. F. Allison, lumber king, to address a joint session of the Legislature, the Governor and State officials of the State of Alabama, on January 30, 1923, on the importance of reforestation of our State, and what it means to the State and Nation. The Commissioner of Conservation is hereby instructed to forthwith extend invitations to the above named gentlemen to be present on that date.

Which was read and referred to the Standing Committee on Rules.

Mr. Jones of Conecuh, offered the following Senate Joint Resolution:

S. J. R. 44. Be it resolved by the Senate, the House concur-

ring that 1. A joint committee of the Legislature of Alabama be created to consist of two members from the Senate, to be appointed by the President of the Senate, and three members from the House, to be appointed by the Speaker of the House, to sit during the recess of the Legislature, for the purpose of inspecting all prisons where Convicts are confined, and to make a thorough investigation of the Convict Department, and Convict Lease System of the State of Alabama.

2. That said joint committee make report of its findings to the Governor and Legislature.

3. That the members of said Committee be allowed their per diem and mileage while in performance of their duties in making said inspection and investigation.

4. That said Committee is hereby authorized to employ a clerk or stenographer, who shall receive the same pay as members of the Committee, and shall receive the same allowance for mileage as Members of said Committee.

Which was read and referred to the Standing Committee on Finance and Taxation.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

S. 28. To amend section 1188 of the Code of 1907.

S. 9. To amend section 6032 of the Code of Alabama.

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the Municipal authorities of the City within which such street,

avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

Middleton,
Chairman.

MESSAGE FROM THE GOVERNOR.

To the Senate:

In re appointment of trustees of the Alabama Technical Institute and College for Women: Montevallo, Alabama.

In accordance with Section 1913 of the Code of 1907 and Section 2 of Article 29 of the School Code, Acts of 1919, pages 647-648, I have appointed, subject to your approval and confirmation, the following named trustees for the Alabama Technical Institute and College for Women, classified in groups and by terms, as provided by law:

IN GROUP ONE:

Lloyd M. Hooper, of Selma, Alabama, from the Fourth Congressional District, to succeed himself;

Mrs. W. B. Peebles, of Aliceville, Alabama, from the Tenth Congressional District, to succeed herself.

The term of each of the appointees in the First Group to expire on the third Monday in January, 1931.

IN GROUP TWO:

W. T. Sheehan, of Montgomery, Alabama, from the Second Congressional District, to succeed J. C. McLeod:

Virgil Bouldin, of Scottsboro, Alabama, from the Eighth Congressional District, to succeed Shelby S. Fletcher;

W. H. Tayloe, of Uniontown, Alabama, from the State-at-Large, to succeed himself.

The term of each of the appointees of the Second Group to expire on the third Monday in January, 1935.

IN GROUP THREE:

Mrs. Edgar L. Clarkson, of Tuscaloosa, Alabama, from the Sixth Congressional District, to succeed herself;

L. Sevier, of Birmingham, Alabama, from the State-at-Large, to succeed himself.

The term of each of the appointees of the Third Group to expire on the third Monday in January, 1939.

Respectfully,

Wm. W. Brandon,
Governor.

January 23, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Enzer, the Senate confirmed the appointment by the Governor of the following Trustees of the Alabama Technical Institute and College for Women, Montevallo, Alabama, to-wit:

In group one: Lloyd M. Hooper, of Selma, Alabama, from the Fourth Congressional District, to succeed himself;

Mrs. W. B. Peebles, of Aliceville, Alabama, from the Tenth Congressional District, to succeed herself.

The term of each of the appointees of the First Group to expire on the third Monday in January, 1931.

In group two: W. T. Sheehan, of Montgomery, Alabama, from the Second Congressional District, to succeed J. C. McLeod;

Virgil Bouldin, of Scottsboro, Alabama, from the Eighth Congressional District, to succeed Shelby S. Fletcher;

W. H. Tayloe, of Uniontown, Alabama, from the State-at-Large, to succeed himself.

The term of each of the appointees of the Second Group to expire on the third Monday in January, 1935.

In group three: Mrs. Edgar L. Clarkson, of Tuscaloosa, Alabama, from the Sixth Congressional District, to succeed herself;

L. Sevier, of Birmingham, Alabama, from the State-at-large, to succeed himself.

The term of each of the appointees of the Third Group to expire on the third Monday in January, 1939.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Inzer	Overton
Bonner	Garth	Johnson	Pelham
Brooks	Griffith	Jones (Barbour)	Randall
Brower	Hildreth	Jones (Conecuh)	Slone
Caffey	Horton	Martin	Teasley
Carlton	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—31

Nays:—None.

Which was a majority of the whole number elected to the senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following S. J. R. with the engrossed and original Resolution respectively, and find same correctly enrolled, to-wit:

S. J. R. 33. Relative to the commemoration on this the 19th day of January, 1923, the birthday of General Robert Edward Lee.

C. R. Horton,
Chairman.

SIGNING OF JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing Report of Committee on Enrolled Bills.

BILLS ON THIRD READING.

On motion of Mr. Waddell:

The Bill:

S. 6. To provide for the organization, regulation and government of the State Bar including admissions and Disbarment of Lawyers.

Was postponed until the next Legislative Day.

The Bill:

S. 35. To amend an act entitled "An act to amend section 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

Was read a third time at length and passed.

Yeas, 34; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Ellis	Inzer		

—34.

Nays:—None.

The Bill:

S. 46. To amend section 341 of the Code.

Was ordered Engrossed and read a third time.

Mr. Foster moves that the vote by which this Bill was ordered Engrossed and read a third time be reconsidered, which motion prevailed, and said vote was reconsidered.

Mr. Foster then offered the following Amendment to said Bill, to-wit:

Amend the Bill by striking out the word "plans" where it appears in the Bill and insert the word "places" in lieu thereof.

Which was adopted.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Powell
Caffey	Horton	Martin	Randall
Carlton	Howle	Middleton	Slone
Craft	Hudgens	McNeil	Teasley
Duncan	Hutson	Nolen	Tunstall
Ellis	Inzer	Oliver	Waddell
Foster			

—33

Nays:—None.

And said Bill, as amended, was read a third time at length and passed.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Slone
Carlton	Howle	Middleton	Teasley
Carmichael	Hudgens	McNeil	Tunstall
Duncan	Hutson	Nolen	Waddell
Ellis			

—33.

Nays:—None.

The Bill:

S. 49. To amend section 5439 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hutson	Nolen	Tunstall
Craft	Inzer	Oliver	Waddell
Duncan			

—33.

Nays:—None.

RESOLUTION.

Mr. Martin offered the following joint resolution:

S. J. R. 45. Be it resolved by the Senate of Alabama, the House concurring, that when both houses adjourn today, they stand adjourned until Thursday, Jan. 25th, 1923, at 10 A. M.

Which was, under a suspension of the rules adopted.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

Whereas, Section 4 of the Budget Act, Acts of 1919, page 33, provides that "within fifteen days after the convening of the Legislature in regular session, the budget commission shall through its chairman, (who is the Governor) submit a budget for the ensuing four fiscal years."

I find it impracticable if not impossible to submit this budget within the time required by the statute and as I have in my message requested the Legislature to appoint a joint committee to sit with the Budget Commission for the purpose of ascertaining the data and facts necessary to enable the Budget Commission to prepare a complete plan of proposed expenditures and the estimated revenues for the ensuing quadrennium, as well as an itemized estimate of the appropriations, for the Legislature as is required by the Budget Act, I, therefore, recommend that the Legislature pass a joint resolution providing for a joint committee consisting of the Speaker of the House, the President Pro-tem of the Senate, and three members from the House and two from the Senate, the members from the House to be appointed by the Speaker and those from the Senate by the Lieutenant Governor, which committee shall be empowered and directed to sit with the Budget Commission during the recess period of the Legislature to investigate the financial condition and needs of the State and of its several departments, and to act with and to assist the Budget Commission in any manner that may be deemed necessary in order to carry out the purpose of the Budget Commission and to report to the adjourned session of the Legislature a well-defined financial plan for the State, the objects of the expenditures, the source and yield of revenues and the way the expenditures and revenues are made to balance, and that the members of said committee shall receive the same compensation while they are sitting with the Budget Commission and making the reports as they receive as members of the Legislature while engaged in their legislative duties.

Respectfully,

Wm. W. Brandon,
Governor.

January 23, 1923.

GOVERNOR'S MESSAGE.

The foregoing Message from His Excellency, the Governor, was read and on motion of Mr. Waddell, same was referred to the Standing Committee on Rules, with instructions to report recommendations.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate Joint Resolution No. 26, relative to the appointment of Judge William I. Grubb, as a member of the United States Supreme Court.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING RESUMED.

The Bill:

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes and also to alter and rearrange the boundary lines and to describe the area included in the city limits for school purposes and as a school district composed of the city of Talladega, Alabama.

Was taken up.

Mr. Oliver offered the following Amendment to said Bill, to-wit:

Amend Senate Bill No. 42 by adding Section 44, as follows:

That if any provision or paragraph of this act should be declared unconstitutional by the courts that it will in no way effect the other provisions or paragraph of said act.

Which was adopted.

Yeas, 34; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall
Duncan	Hutson	Oliver	Waddell
Ellis	Inzer		

—34.

Nays:—None.

And said Bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; Nays, 1.

Yeas:

Messrs:

Adams	Ellis	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Cariton	Horton	Middleton	Slone
Carmichael	Hudgens	McNeil	Teasley
Craft	Hutson	Nolen	Tunstall
Duncan	Inzer	Oliver	Waddell

—32

Nay:—Br. Bonner.—1.

The Bill:

S. 38. To create and establish a board of county commissioners in and for Madison County, Alabama, in the place and stead of the board of revenue of Madison county now existing, in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners; fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing of the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this act; providing for the appointment, nomination and election of said board of Commissioners.

Was read a third at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Concuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Duncan	Inzer		

Nays:—None.

—34.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following Joint Resolution:

By Mr. Glenn:

H. J. R. 15. Resolved by the House, the Senate concurring, that, whereas, a vacancy has occurred in the office of Secretary of the Interior, under the National Government, and, whereas, the Honorable Alfred A. Taylor, Governor of the State of Tennessee, whose term of office as such has just expired, has at all times manifested a keen interest in the development of our national resources and industries; and, whereas it is our judgment that, while Governor Taylor has been a life long republican, he is a broad-minded American, with a national scope of vision, and that he would administer with credit and satisfaction to every section of our country the duties of the office;

Therefore, be it resolved, that we respectfully commend to the President of the United States the Hon. Alfred A. Taylor, for appointment to the office of Secretary of the Interior.

Be it further resolved that a copy of these resolutions be transmitted to the President of the United States.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolution No. 15 set out in the foregoing Message from the House was read, and, on motion of Mr. Overton, referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 45 relative to the adjournment of the two Houses until Thursday, Jan. 25th, 1923, at 10 o'clock.

And returns same to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bills:

By Mr. Tunstall:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new Code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and clerks and provide for their pay and expenses.

Also,

By Mr. Walton:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate standing committees as follows:

H. 16. To Judiciary.

H. 5. To Finance and Taxation.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 49. To amend section 5439 of the Code of Alabama of 1907.

S. 46. To amend section 341 of the Code.

S. 35. To amend an act entitled "An act to amend section 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

J .P. Middleton,
Chairman.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journals of the Senate for the 1st, 2nd, 3rd, 4th, 5th, 6th, and 7th legislative days, and find same correct and containing all original entries and references thereto required by the Constitution.

Robt. H. Jones,
Chairman.

COMMITTEE REPORT.

The foregoing report of the Committee on Revision of the Journal was read and on motion of Mr. Jones of Conecuh, said report was concurred in and the Journals of the Senate for the 1st, 2, 3, 4, 5, 6 and 7th legislative days were approved by the Senate.

ADJOURNMENT.

At 3:45 P. M., on motion of Mr. Teasley and Pursuant to Senate Joint Resolution No. 45 heretofore adopted, the Senate adjourned until Thursday, January 25, 1923, at 10:00 A. M.

EIGHTH DAY.

Thursday, January 25th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Dr. Wadley of Birmingham.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

JOURNAL.

On motion of Mr. Inzer, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hutson:

S. 88. To further regulate the license or privilege tax required for the manufacture and sale of coffins.

Finance and Taxation.

By Mr. Hutson:

S. 89. To amend an act entitled "An Act to amend Sections 4031 and 4032 of the Code of Alabama," passed by the Legislature of Alabama at the session of 1911, and approved April 18, 1911.

Revision of Laws.

By Mr. Griffith:

S. 90. To authorize the Governor to employ a special force to serve under his direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, to define the powers of persons employed on such spec-

ial force and require each to give bond, and to provide compensation for their services, approved September 28, 1920, be and the same is hereby repealed.

Revision of Laws.

By Mr. Garth:

S. 91. To amend Section 1, of "An Act to provide for the institution and prosecution of misdemeanors in the Circuit Court of Madison County, otherwise than by indictment by the grand jury," approved February 11, 1919.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at its next session for the enactment of a local law substantially as follows:

An act to amend Section 1, of "An act to provide for the institution and prosecution of misdemeanors in the Circuit Court of Madison County, otherwise than by indictment by the grand jury," approved February 11, 1919.

Be it enacted by the Legislature of Alabama:

Section 1: That Section 1, of said act to provide for the institution and prosecution of misdemeanors, in the Circuit Court of Madison County, otherwise than by indictment by the grand jury, be amended so as to read as follows:

Section 1: That from and after the passage of this act, prosecution of persons charged with misdemeanors in Madison County, may be begun by affidavit made before the Clerk of the Circuit Court of Madison County, and that thereupon the jurisdiction of the Circuit Court of Madison County shall attach, and the same shall proceed to trial and judgment under the same rules and procedure as provided by law in misdemeanor cases, provided however, that no warrant of arrest shall issue on said affidavit, unless there shall be endorsed upon said affidavit, the approval of the solicitor or deputy solicitor.

Section 2. This act shall take effect from and after its passage and approved by the Governor.

State of Alabama, }
Madison County. }

Before me, Addison White, a Notary Public in and for said County and State, this day personally appeared J. E. Pierce, who being by me first duly sworn, deposes and says that he is the Editor and general manager of Huntsville Daily Times, a newspaper published in the City of Huntsville; that the foregoing is a verbatim copy of notice published in said newspaper, without cost to the State of Alabama, once a week, for four consecutive weeks, viz: On January 1, 1923, January 8, 1923, January 15, 1923, and January 22, 1923.

J. E. Pierce.

Sworn to and subscribed before me on this 23 day of January, 1923.
(SEAL)

Addison White,
Notary Public.

By Mr. Foster:

S. 92. To establish the State Board of Convict Supervisors in lieu of the State Board of Control and Economy and the State Warden General and the State Board of Convict Inspectors, and to confer authority and power upon, and to prescribe the duties of, the said Board of Convict Supervisors and its members, to fix the terms of their office, salaries, compensation and the mode of payment.

Judiciary.

By Mr. McNeil:

S. 93. To amend Section 1628 of the Code of Alabama.

Judiciary.

By Mr. McNeil:

S. 94. To amend Section 1627 of the Code of Alabama.

Judiciary.

By Mr. Brower:

S. 95. To fix the compensation of Circuit Clerks of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Revision of Laws.

By Mr. Brower:

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

Revision of Laws.

By Mr. Brower:

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than two hundred thousand population, according to the last or any subsequent federal census, and to provide for the payment of such compensation.

Revision of Laws.

By Mr. Brower:

S. 98. To amend an act entitled an act, "To prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empanelling of grand and petit juries in all of the courts of this State, in so far as the same shall apply to counties in this state having according to the last or any subsequent Federal census, as many as two hundred thousand inhabitants or more.

Revision of Laws.

By Mr. Teasley:

S. 99. To amend Section 7 of an act "To regulate elections: to provide for the registration and furnishing of a list of quali-

fied electors to the election inspectors," approved October 2nd, 1920.

Privileges and Elections.

By Mr. Teasley:

S. 100. To amend Section 7818 of the Code of Alabama of 1907.

Privileges and Elections.

By Mr. Teasley:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Privileges and Elections.

By Mr. Foster:

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector, who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy; to confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

Judiciary.

By Mr. Foster:

S. 103. To repeal an Act approved September 30, 1920, entitled "An Act to reduce the number of members of the State

Board of Control and Economy, which was created by an act entitled "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board," approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree."

Judiciary.

By Mr. Brower:

S. 104. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal Census, or which shall have such population according to any such census that may be hereafter taken, special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police department of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection

therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed.

Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 57. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay, stream, or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

By Mr. Slone (By request):

S. 71. To amend Section five (5) of an act, approved September 25, 1915, and entitled, "An act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

By Mr. Tunstall:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foster:

S. 84. To amend Section 1 of an Act approved February 11th, 1909, entitled, "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

By Mr. Walton. (With Amendment):

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Mr. Inzer, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foster:

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

By Mr. McNeil:

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

By Mr. Craft:

S. 75. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

By Mr. Craft:

S. 76. To require instruction in the public schools in this State in regards to the humane protection of animals.

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hildreth:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties

with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties."

ADVERSE REPORTS.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were placed on the adverse calendar, to-wit:

By Mr. Griffith:

S. 37. To define chiropractic and the practice of chiropractic in the State of Alabama; to create a state board of examiners of applicants to practice chiropractic in Alabama; to provide for the appointment of said board; to define its duties and powers; to provide for the issuing of licenses and certificates to practice chiropractic; to provide for the disposition of fees collected by said board; to provide penalties and punishment for the violation of provisions of this Act; and to repeal all general and local laws, in so far as in conflict with this act.

By Mr. Martin:

S. 59. To provide that the purchase price at a mortgage foreclosure sale of real, personal or mixed property shall not be conclusive as to its value and to provide further that in the event the maker or makers of any note secured by mortgage is sued for any balance due upon said instrument. After such foreclosure the maker or makers of any such instrument on the trial of such case may show in defense of said suit the reasonable market value of any such property sold under said foreclosure clause in said mortgage unless said foreclosure sale is had under the decree of a court of competent jurisdiction.

By Mr. Craft:

S. 87. To require all motor drivers in Alabama to stop on reaching any railroad, interurban car track, tram road track or other similar crossings, in rural districts, and to provide penalties for any violation thereof.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were placed on the adverse calendar, to-wit:

By Mr. Teasley:

S. 63. To amend section 2069 of the Code of Alabama of 1907.

By Mr. Brower:

S. 2. To repeal section 2069 of the Code of Alabama of 1907.

Mr. Inzer, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Howle:

S. 56. To provide a means whereby the county board of education may be required to arrange for the opening of the county high school on written petition signed by a majority of the patrons of the county high school, living outside of the incorporated town, as shown by the records in the office of the county high school, for the next preceding year.

Mr. Oliver, chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Oliver:

S. 41. To authorize and empower railroads and common carriers to issue intra-state passes to the members of the State Tax Commission, its Secretary, and other regular designated agents or representatives of said Commission, when travelling on official business.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following S. J. Resolutions, and find same correctly enrolled, to-wit:

S. J. R. 26. Relative to the appointment of Judge William I. Grubb, to the membership of the Supreme Court of the United States.

S. J. R. 35. Relative to the abolition of the office of Tax Adjustor of the several counties in Alabama.

C. R. Horton,
Chairman.

SIGNING OF RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolutions;

the titles of which are set out in the foregoing:
Report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following Bills:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

With notice and proof attached hereto as follows:

NOTICE OF LOCAL LAW.

Notice is hereby given that at the coming regular session of the 1923 Legislature of Alabama a bill will be introduced for passage and enactment into law for Coffee County the substance of which will be:

To create the office of County Treasurer for Coffee County, Alabama, to define the duties of said office; to fix the term of office and prescribe the salary; to provide for the election of the County Treasurer by the votes of the qualified electors of Coffee County in a special election to be held after the passage of said law and at general elections thereafter, and to repeal all laws in conflict with such local law.

H. M. Sessions,
Representative of Coffee County.

State of Alabama, Coffee County.

Before me, the undersigned authority in and for said County and State, this day personally appeared H. A. DuBose, who, being first duly sworn to speak the truth, deposes and says: That he is Editor of The People's Tribune, a newspaper published in Coffee County, Alabama, at Elba, Alabama, and that the notice hereto attached, the same being a Notice of Local Law for Coffee County, was published in The People's Tribune, giving notice of intention to introduce bill in Legislature, for four weekly issues in successive order and beginning on November 16, 1922, and ending on December 7, 1922, inclusive.

H. A. DuBose,
Editor.

Subscribed and sworn to before me this the 4th day of Jan, 1923.

J. V. Wright,
Notary Public.

Also:

H. 10. To validate the levy of the five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

With notice and proof attached hereto, as follows:

LEGAL NOTICE.

State of Alabama, Escambia County—City of Brewton.

Legal notice is hereby given under Section 106 of the Constitution that the Court of County Commissioners of Escambia County, Alabama,

will apply to the next Legislature of Alabama, to be held at Montgomery at the coming Session beginning January, 1923, for the passage of a law, the substance of which is, as hereinafter set out and shown; this notice is published without cost to the State in Escambia County, Alabama, where the matter or thing affected by said law is situated, said notice is published either in The Brewton Standard or The Atmore Record, or both, which are newspapers published in said County, once a week for four consecutive weeks after the date hereof; the substance of said law is as hereinafter set out and shown, and is made a part hereof, as follows:

AN ACT.

To validate the levy of the five mill County tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Be it enacted by the Legislature of Alabama:

Section 1. That the minutes and proceedings, acts, and contracts heretofore made by Escambia County, and its Court of County Commissioners since January 1st, 1919, are hereby ratified and made valid; especially all County contracts made with the various Banks in said County for borrowing money used for lawful County purposes such as the maintenance and improvement of the County public roads and bridges and other like lawful purposes including the annual orders of said Court made for the levy of the (5) five mill County tax authorized in the first part of Section 215 of the Constitution, in which orders said County has levied (2) two mills of said tax for general County current expense, and for the County general fund, and (2) two mills of said tax for the maintenance of County roads and bridges heretofore voted by the people for that purpose under a law authorizing said vote, and (½) one-half mill of said tax to pay the appropriations and expenses made for the eradication of cattle ticks and to create a County cattle tick fund against which have been drawn and registered (6%) six per cent interest bearing cattle tick County warrants, and (½) one-half mill of said tax for the County Health Fund and for the maintenance of County Health Unit, and All-time Health Officer. Said Court is authorized to levy all of said taxes hereafter in the same manner said taxes have been heretofore levied and shall levy the same in such manner hereafter as said Court may deem best to protect the interest and credit of the County and to keep said County on a cash basis.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Witness this the 21st day of November, 1922.

Court of County Commissioners of Escambia County, Alabama.

PROOF OF PUBLICATION.

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, Escambia County, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for 4 consecutive weeks on the following dates, to-wit: Nov. 30, 1922, Dec. 7, 1922, Dec. 14, 1922, Dec. 21, 1922.

W. E. Brooks,
Publisher of The Brewton Standard.

Sworn to and subscribed before me this Dec. 21, 1922.

(SEAL)

C. B. Sawyer,
Notary Public.

Also:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and second street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue; from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn and by the East Lake Land Company's map of its survey of East Lake: and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

With notice and proof attached hereto, as follows:

NOTICE.

Notice is hereby given of the intention to apply for the passage of a local law by the Legislature of Alabama at its approaching session, the substance of which law will be that the dedication of the following portions of streets, avenues and alleys in Jefferson County, Alabama, shall be vacated and held for naught, to-wit:

That part of Walker avenue which lies between "A", or 68th street, and Second, or 70th street; that part of First, or 69th street, which lies between Underwood avenue and Walker avenue; the alley between Underwood Avenue and Walker avenue from "A", or 68th street, to Second, or 70th street.

Said streets, avenues and alleys are shown by the map of the survey of the Walker Land company of its lands near East Woodlawn, and by the map of the survey of the East Lake Land Company of East Lake.

It will further be provided in said act that after its passage such portions of said streets, avenues and alleys shall cease to be highways and that the land embraced in the same shall vest in the abutting property owners; and that such act shall go into effect on its passage.

Robert Jemison, Sr.

Dec. 16-23-30-Jan. 6.

State of Alabama,
Jefferson County. }

J. H. F. Mosley, being first duly sworn, deposes and says that he is Editor and Publisher of the Labor Advocate Publishing Company, which publishes the Labor Advocate, a newspaper regularly published in the City of Birmingham, Alabama, and that the attached notice was published in the issues of such newspaper of the following dates, to-wit: December 16th, 1922, December 23rd, 1922, December 30th, 1922, January 6th, 1922.

J. H. F. Mosley.

Subscribed and sworn to before me, this the 6th day of January, 1923.

(SEAL)

Mary Mosley,
Notary Public.

Also:

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of

Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

With notice and proof attached hereto, as follows:

The State of Alabama, }
Limestone County. }

Personally appeared before me, Fred Wall, a Notary Public in and for said County and State, R. M. Rawls, who being by me first duly sworn, deposes and says that he is the owner and manager of The Alabama Courier, a weekly newspaper published at Athens, in said County and State; that notice, given by Young Wall, present representative in the Legislature from Limestone County, Alabama, of the intention to apply to the Legislature of Alabama, convening on second Tuesday in January, 1923, for the passage and enactment of a bill to repeal an act of the Legislature approved Sept. 14, 1915, which act was printed in full, and known as the local road law of said county, a true and complete copy of which is hereto attached, was published in said paper for four consecutive weeks, commencing on the 15th day of November, 1922, being the first issue; the second issue appearing on Nov. 22, 1922, the third issue appearing on Nov. 29, 1922; the fourth issue appearing on Dec. 6, 1922; that said publication was authorized by the said Young Wall, and published without cost to the State; that the intention to repeal was expressed in each issue of said paper, for particular language, see attached copy.

R. M. Rawls.

Sworn to and subscribed before me on this the 5th day of January, 1923.

(SEAL)

Fred Wall,
Notary Public.

This is to comply with Sec. 106 of the Constitution.

Young Wall.

NOTICE.

Notice is hereby given by Young Wall, the undersigned, of his intention to apply to the Legislature of Alabama, which convenes in General Session on the second Tuesday in January, 1923, for the passage and the enactment of a bill to repeal an act of the Legislature approved September 14, 1915, and which act is substantially as follows:

"AN ACT"

To provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provisions and purposes of this Act into effect; to provide for the appointment of a County Engineer and for the examination of applicants for such position.

Section 1. Be it enacted by the Legislature of Alabama,

That the Court of County Commissioners of Limestone County shall within six months after the approval of this Act elect a County Engineer who shall be the Superintendent of public roads for said county; he shall be provided with a properly furnished office in the County Court House or elsewhere in the County Seat, and shall hold his office subject to the pleasure of the Court of County Commissioners. The said County Engineer shall have charge of the location, construction, improvement and maintenance of the public roads, bridges and ferries of the county, subject to the general direction of the Court of County Commissioners; he shall be the cus-

todian of the records of the county concerning roads and bridges, except as herein provided; he shall elect all of his subordinate employees, subject to approval of the County Commissioners; he shall prepare and approve all plans and specifications; and none of his plans and specifications, orders or directions shall be countermanded or changed except by a specific resolution of the Court of County Commissioners duly entered on the minutes. The County Engineer shall devote his entire time to the duties of his office designated herein and such other duties as shall be assigned to him by the Court of County Commissioners provided that he may with the consent of the County Commissioners, do surveying or engineering work for private parties for which services he shall charge such fees as the Court of County Commissioners shall direct and shall pay such fees into the county road and bridge fund. The salary of County Engineer shall be fixed by the court of County Commissioners, provided that the salary shall not be less than \$1,500.00 per annum, payable monthly. Said Engineer, before taking office, shall furnish the county with surety bond in the sum of (\$2,000.00) two thousand dollars.

Section 2. That no person shall be eligible to hold the office of County Engineer unless he is a competent civil engineer and experienced in the construction of roads; and unless he shall pass satisfactorily an examination designed to test his fitness for such office. Said examination shall be held under the direction of the State Highway Commission or Engineer and under such regulations as it may prescribe.

Section 3. That before any work is done in the construction or improvement of any bridge or road, except necessary maintenance work, the Engineer shall make such surveys as may be necessary. Shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimate of the cost for the approval of the court of County Commissioners with a recommendation as to the best method of doing the work. The Court of County Commissioners shall pass upon said plans, specifications and estimate and when said plans and specifications are approved, the County Engineer shall be authorized to proceed with the work by contract or by force account as the Court of County Commissioners shall direct. If the Court of County Commissioners determine to do such work by contract the County Engineer shall advertise for bids in a newspaper published in the county, in a daily newspaper of general circulation in the State of Alabama, and by posting copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified checks required and the time and place at which bids will be opened. The Court of County Commissioners shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder to enter into a contract in the event of his being awarded the work. If reasonable bids are received for doing the work, the contract shall be awarded to the lowest responsible bidder, provided that the Court of County Commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Section 4. That the Court of County Commissioners may enter into a contract with a contractor for the construction, repair or maintenance of any road, bridge or ferry, or any appurtenance there to provide that all contracts for construction work be let under the preceding provision of this act.

Section 5. That any contractor employed to construct or maintain any road, bridge, ferry or any appurtenance there to shall before entering upon the execution of such work execute a bond payable to the County of Limestone for twice the amount of the contract price; said bond to be made by a surety company approved by the Court of County Commission-

ers and conditioned upon the faithful performance of the contract, and the discharge of his duties thereunder.

Section 6. That if the county, any municipality, corporation or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained, under such bond to recover such damages as they may have suffered.

Section 7. That the Court of County Commissioners shall have authority to purchase such materials, supplies, teams, and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads, bridges and ferries of the county. The County Engineer shall prepare requisitions for such material and supplies as will be needed for roads and bridges and shall obtain quotations from at least two dealers on each class of article required, and shall submit said requisition to the Court of County Commissioners, the County Engineer shall be authorized to purchase such approved article at prices not exceeding those specified in the requisition. The County Engineer with the approval of the Court of County Commissioners shall be authorized to employ such assistant engineers, inspectors, rodmen, foremen, overseers, laborers, artisans and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the roads and bridges of the county. The County Engineer shall employ a sufficient number of persons to systematically drag dirt roads in the county, as directed by the County Engineer and the Court of County Commissioners; shall fix the price for dragging so as to allow reasonable wages for the men and teams performing such service.

Section 8. That the County Engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, to be made in duplicate. He shall certify as to the correctness of each bill and shall file the duplicate of each bill in his office and will issue a warrant on the County Treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by the County Engineer shall be made payable it shall have been previously authorized and approved by the Court of County Commissioners and shall be presented, with its corresponding original bill, to the Chairman of the Court of County Commissioners, who shall countersign said warrant, stamp same approved in his office. This file and that in the County Engineer's office shall be preserved as public record and they shall be delivered by the County Engineer and the Chairman of the Court of County Commissioners to their respective successors in office. The warrants issued by the County Engineer in accordance with the provisions of this Act, when countersigned by the Chairman of and stamped Approved by the Court of County Commissioners shall be paid by the County Treasurer and charged to the county road and bridge fund.

Section 9. That the Court of County Commissioners if they deem it advisable, may call upon the State Highway Engineer for advice shall be furnished free of charge and the said Court of County Commissioners shall have authority to employ a special engineer to advise them upon any special problem when, in their judgment, the best interest of the public renders such advice necessary and when a bridge of unusual size or type of construction is to be built the Court of County Commissioners are authorized to employ a special engineer to design and supervise its construction.

Section 10. That the County Engineer shall prepare a map of the County showing the location of all public roads and indicating the character of improvement which have been made on each road. This map shall be revised and brought up to date monthly. A tracing of such map shall be made and deposited for safe keeping in the vault of the probate office; and said tracing shall be brought up to date monthly.

Section 11. That the Court of County Commissioners shall, with the advice of the County Engineer, classify all the public roads of the county into classes designed as First Class, Second Class and Third Class Roads. The lawful widths of rights of way of the several classes of roads shall be as follows; First Class roads, 50 feet. Second Class Roads, 40 feet; Third Class roads, 30 feet. The widths of traveled ways, the grades and character of improvement of each road shall be determined by the Court of County Commissioners in view of the requirements of traffic on each road; and the Court of County Commissioners may change the classification of any road or any specified part of a road at any time.

Section 12. That when a new road is to be constructed or the location of an existing road to be changed, the Court of County Commissioners shall pass a resolution directing the County Engineer to make a preliminary survey of said road, describing the terminal point of the said survey and appointing a time at which the Court of County Commissioners will meet to hear objections to location of said road or its classification. As soon as practicable after passage of such resolution, the County Engineer shall stake out said road and prepare a map and profile of the same. The map shall show all buildings and fences within 200 feet of said road and any other improvements which may affect the amount of damages which may be caused to property by the construction of said road. It shall also be the duty of the Engineer to publish a notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection and giving the time when the Court of County Commissioners will meet to hear objections to the location of said road or its classification. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the Court House, and by posting one copy at each terminal point of the survey. The Court of County Commissioners shall meet at the Court House at the time named in the said notice and after hearing objections to the location of said road or its classification, the said Court of County Commissioners may confirm said location, order it amended or abandoned, and said action shall be shown on its minutes.

Section 13. That the Court of County Commissioners may secure the right of way for roads by donations, purchase or by condemnation.

Section 14. That the Court of County Commissioners shall have the right, authority and power to condemn land for road purposes under the provisions of Article 1. Chapter 79 of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of land.

Section 15. That the convicts of the county may be worked upon the public roads, bridges, or ferries of the county or they may be worked under the direction of the Court of County Commissioners in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county or from the state, or to contractors under contracts to be made between such contractors and the Court of County Commissioners or other county or the state.

Section 16. That the convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Section 17. That the Court of County Commissioners of the county may enter into a joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time

of the gang between the several counties shall be arranged. The several counties entering into such agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Section 18. The Court of County Commissioners of Limestone county shall at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt or liability now existing or that may hereafter be created, for the erection, construction or road maintenance of necessary public buildings, bridges or roads, and such tax so levied and collected as other county taxes, which tax so levied and collected shall be applied exclusively to the purpose for which the same is so levied and collected.

Section 19. That all money received by the county from license taxes on automobiles shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Section 20. That all male inhabitants of the county not under eighteen and not over forty-five years of age except those exempted by the following Section shall be required to work on the public roads of the county during each year for ten days of eight hours each; provided that he may pay in lieu of such personal service the sum of \$5.00 per year to be paid to the Judge of Probate not later than the 15th day of July, said money to go into the county road and bridge fund, and shall be used only for the construction and maintenance of roads and bridges. The Judge of Probate shall furnish the County Engineer with a list of persons who pay the per capita tax in lieu of personal service.

Section 21. That the following persons shall be exempt from road duty: All women and all men under the age of eighteen and over the age of forty-five years: Any person who has lost an arm or leg; and all persons who by nature or disease are rendered incapable of performing hard labor, who shall procure a certificate of incapacity from the County Board of Health, sitting as a board.

Section 22. No person or hand is liable to work on any public road at a point on said road more than six miles from his residence, provided within the limit he may be required to work in any beat or precinct.

Section 23. That for the purpose of maintaining the public roads the Court of County Commissioners shall from time to time divide the County into a convenient number of road precincts and required the County Engineer to appoint one or more overseers for each precinct. The term of office of said overseers shall be one year; but he may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseer the County Engineer shall appoint some person to fill out the unexpired term.

~~Section 24. That it shall be the duty of each overseer to take a~~
census of the persons within the area assigned to him who are subject to road duty, giving age and color of each such person and the quarter section, farm or plantation on which he resides and to turn a list of such persons in to the County Engineer. Before entering upon his duties, each overseer shall subscribe to the Statutory oath to faithfully perform his duties, which oath may be administered by the County Engineer. The satisfactory performance of these duties shall exempt said overseer from road work or service for the length of time he serves.

Section 25. That the County Engineer will enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credits of money or labor.

Section 26. That the County Engineer shall apportion such hands as do not pay the per capita tax to the roads nearest their places of

residence. He shall employ a sufficient number of overseers at a rate not to exceed \$2.00 per day. The County Engineer shall go with each overseer over the road apportioned to him and point out the work to be done, and will furnish him with a list of road hands who will work under his direction.

Section 27. Persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county shall pay a license of one and one-half dollars per month for each two horse wagon and three dollars per month for each four horse wagon so used in such hauling. It is not intended to require a license for private hauling connected with or usual to the ordinary operation of a farm, or anyone hauling cord or stove wood, whether for sale or not. It shall be unlawful to do any hauling forbidden without first procuring such license. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than (\$50.00) fifty dollars, to be paid in lawful money which fine when collected, shall be paid over to the road supervisor as part of the road fund.

Section 29. That all male inhabitants of the county between the ages of twenty-one and fifty years are subject to road duty under this Act as overseers.

Section 30. That any overseer who fails to perform his duty as such under the provisions of this Act shall be liable to prosecution and fined on conviction not less than ten dollars nor more than fifty dollars.

Section 31. It shall be the duty of every person, firm or corporation, land owner or agent employing hands to furnish the overseer upon his application a list of male hands in their employ or living on their lands, and failing to do so, such person, firm, corporation or land owner shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Section 31½. Any apportioner, overseer or other person who fails to perform any duty required of him by this act or by the general laws of the State not in conflict with this act, shall be guilty of a misdemeanor and on conviction must be fined not less than ten nor more than fifty dollars.

Section 31¾. A county road and bridge fund is hereby created for Limestone County, Alabama, into which fund shall be paid all moneys derived for roads and bridges in said county.

Section 32. That it shall be the duty of the Court of County Commissioners of Limestone County to have this Act printed for use of said Court and other Courts of the County and for the officers herein named.

Section 33. That as soon as practicable the Court of County Commissioners shall prepare and adopt such rules and regulations, not in conflict with this law, for the construction, improvement and maintenance of roads and bridges as they shall deem most suitable for the requirements of and bring the most practicable results to the County.

Section 34. That within one year after the approval of this Act the Court of County Commissioners shall cause to be erected at the intersection and crossing points of all roads substantial sign boards with suitable device and lettering thereon to indicate the direction and distance to the nearest town or city.

Section 35. That all laws and parts of laws not in conflict with this Act shall remain in full force and effect and all "local or special" laws and parts of "local" laws in conflict with the provisions of this Act are hereby repealed.

Approved September 14th, 1915.

Notice is hereby given by the undersigned that in order and for the purpose of repealing the above and foregoing act that a bill substan-

tially as follows will be proposed and introduced in the Legislature of Alabama, which will convene in General Session on the second Tuesday in January, 1923, for passage, substantially as follows:

A BILL TO BE ENTITLED "AN ACT"

To repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a County Engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That the act of the Legislature of Alabama approved Sept. 14, 1915, entitled "An Act to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a County Engineer and for the examination of applicants for such positions," be, and the said act is hereby, expressly repealed."

Young Wall.

Also:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex officio Justice of the Peace therein to be called the Inferior Court of York.

With notice and proof attached hereto, as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to establish the inferior court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein, including the Notary Public ex-officio. Justice of the Peace, to be called the Inferior Court of York, and the substance of said act will be to abolish the office of Justices of the Peace and Notary Public ex-officio Justice of the Peace in said precinct and create in lieu thereof an inferior court for said precinct, which shall have and exercise all jurisdiction as now or may be hereafter conferred by general law on Justice of the Peace in all civil cases in which the amount involved does not exceed \$100.00, and in criminal cases in all misdemeanors and such preliminary jurisdiction as it is now or may hereafter be conferred on Justices of the Peace and shall provide for the appointment of a judge of said court by the governor, and to provide for the election of his successor and to fix the term of office and the qualification thereof, and to provide his duties and fix his compensation.

~~The State of Alabama,~~
County of Sumter,

Before me, H. J. Wallace, a Notary Public in and for said County and State, personally came S. E. Hill, who being first duly sworn deposes and says:

That he is the publisher of "The Sumter County Journal", a weekly newspaper, published at York, in Sumter County, Alabama; that the attached notice was published once a week for four consecutive weeks in said paper, having been published in the issues of December 15th, 22nd, 30th, 1922 and January 5th, 1923, without cost to the State.

S. E. Hill.

Sworn to and subscribed before me, this 6th day of January, 1923.

H. J. Wallace,
Notary Public, Sumter County, Alabama.

Also:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk of House of Representatives.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 7, 10, 35, 37, 44, to the Committee on Local Legislation.

House Bill 83, to the Committee on Finance and Taxation.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 14. Resolved that a joint committee from the Senate and the House of Representatives of the Legislature of Alabama is hereby authorized to consist of two members from the Senate to be appointed by the President of the Senate and of three members from the House to be appointed by the Speaker of the House, which shall consider and recommend to the Legislature the per diem and mileage which members of recess committees of the Legislature shall receive.

And on motion of Mr. Martin said report was concurred in and said Resolution put upon its immediate passage and adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Powell
Caffey	Horton	Martin	Randall
Carlton	Howle	Middleton	Slone
Carmichael	Hudgens	McNeil	Tunstall
Craft	Hutson	Nolen	Waddell

Nays:—None.

—32

Mr. Martin, Chairman of the Standing Committee on Rules, reported the following Senate Joint Resolution:

S. J. R. 46. Resolved by the Senate, the House concurring, that the Legislative Code Committee, as an additional duty during the legislative recess, be required to investigate the conditions of the Capitol building and ascertain the need of any external or internal improvements, extensions or enlargements thereof.

Resolved further that said Committee report the result of its investigations upon the reconvening of the Legislature.

Favorably, which Resolution was read a second time and placed on the calendar for a third reading on tomorrow.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report.

And on motion of Mr. Martin said Resolution was put upon its immediate passage and adopted, and ordered sent forthwith to the House without engrossment, to-wit:

S. J. R. 43. Whereas, the Southern Forestry Congress will hold its Fifth Annual Convention in the City of Montgomery, Alabama, on January 29-31st, inclusive:

Therefore be it resolved by the Senate, the House concurring, that a Joint Resolution be passed inviting Hon. H. S. Graves, Professor of Yale School of Forestry, Henry E. Hardtner, a practical lumberman, and E. F. Allison, lumber king, to address a joint session of the Legislature, the Governor and State officials of the State of Alabama, on January 30, 1923, on the importance of reforestation of our State, and what it means to the State and Nation. The Commissioner of Conservation is hereby instructed to forthwith extend invitations to the above named gentlemen to be present on that date.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 17. Whereas, the continued admission of undesirable immigrants into the United States under the operation of our present laws, taken in connection with the vast number of unnaturalized and unassimilated persons heretofore admitted through lax laws, constitutes a vital and growing menace to American institutions and American ideals; and,

Whereas, if this menace is not checked it will eventually undermine and destroy respect for law, orderly government, every patriotic impulse and the loyal character of American citizenship as well as disorganize our industrial and economic structure and ought, therefore, to be the concern of every true American; now, therefore, be it

Resolved by the House, the Senate concurring, that the members of the Alabama delegation in the National Congress be requested and urged to oppose with all their power any effort to repeal any of the present Federal laws restricting and limiting immigration; and be it

Resolved further that the Alabama Senators and Representatives in Congress be urged and requested to support all measures which will suspend and forbid all immigration for such period of time as will enable the formulation of a definite and constructive plan for the protection of America against the dangerous influx of aliens who are not in sympathy with American ideals and institutions.

Resolved further that the Clerk of the House forthwith forward a copy of this resolution to the Senators and Representatives in Congress from Alabama.

And on motion of Mr. Martin said Resolution was put upon its immediate passage and adopted.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said Committee in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, and it was read a second time and placed upon the calendar for a third reading on tomorrow, to-wit:

S. J. R. 38. Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House, to be appointed by the speaker of the House, which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and de-

tailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature not later than the twenty-fifth legislative day thereof, together with such suggested bills and resolutions as the committee may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama. The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

BILLS ON THIRD READING.

The Bill:

S. 6. To provide for the organization, regulation, and government of the State Bar including admissions and Disbarment of Lawyers.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to said bill, to-wit:

Amend said bill by adding thereto immediately following Section Seven thereof the following Section:

Section 7-A.

Graduates of Law Department of the University of Alabama.

Whenever the President and Dean of the law department of the University of Alabama, shall officially certify, to the Secretary of the Board of Commissioners that the University has conferred the degree of Bachelor of Laws upon a graduate in that department, it shall be the duty of such clerk upon presentation within twelve months of such certificate to enter the name of such graduate upon the rolls of the State Bar and such graduate upon complying with the other terms of this act shall without further examination become a member of the State Bar with all the rights, duties and privileges of the other members thereof.

Which was adopted.

Yeas, 32; Nays, 1.

Yeas:

Messrs:

Adams
Bonner

Brooks
Brower

Caffey
Carlton

Carmichael
Craft

Duncan	Horton	Martin	Powell
Ellis	Howle	McNeil	Randall
Foster	Hudgens	Nolen	Slone
Garth	Inzer	Oliver	Teasley
Griffith	Jones (Barbour)	Overton	Tunstall
Hildreth	Jones (Conecuh)	Pelham	Waddell

—32

Nays: Mr. Johnson—1.

Mr. Hutson offered the following Amendment to said bill, to-wit:

Amend said bill by striking out Section 6, and adding in lieu thereof, the following:

Section 6. Authority Conferred.

The Board of Commissioners shall have power to determine by rules, the qualifications and requirement for admission to the practice of the law, and to conduct through a board of examiners hereinafter provided for the examination of applicants, and they shall from time to time certify to the Supreme Court and to the Secretary of the Board of Commissioners the names of those applicants found to be qualified. Such certification shall entitle such persons to be enrolled in the Bar of the State and to practice law, provided the license fee of ten dollars hereafter required is paid. The board shall formulate rules governing the conduct of all persons admitted to practice and shall investigate and pass upon all complaints that may be made concerning the professional conduct of any person admitted to the practice of the law. In all cases in which the evidence, in the opinion of a majority of the Board, justifies such a course, they shall take such disciplinary action by public or private reprimand, suspension from the practice of the law, or exclusion and disbarment therefrom, as the case shall in their judgment warrant. Provided, however, that any person who has been excluded or disbarred from the practice of law shall have the right within thirty days thereafter to appeal to the Circuit Court of the county in which he resides, by giving the member of the Board of Commissioners from his judicial district, notice in writing within thirty days after he shall have been notified of the action of the Board of Commissioners of his disbarment, that he desires said cause reviewed by the Circuit Court. Thereupon it shall become the duty of the said Board of Commissioners to certify said cause to the Circuit Court of the residence of such aggrieved party, and such cause shall thereupon be tried de novo before a jury empanelled in such Circuit Court as the law now provides for the empanelment of a jury in criminal cases. And it shall be the duty of the Commissioners in said cause to file a complaint in writing, setting forth the cause for such disbarment, which in no instance shall be other than for causes as provided by law.

The Board of Commissioners shall also have power to make rules and by-laws not in conflict with any of the terms of this act concerning the selection and tenure of its officers and committees and their powers and duties, and generally for the control and regulation of the business of the board and of the State Bar.

Mr. Waddell moved that the Amendment offered by Mr. Hutson be laid on the table, which motion prevailed and said Amendment was laid on the table.

Yeas, 18; Nays, 16.

Yeas:

Messrs:

Bonner	Craft	Horton	Powell
Brooks	Duncan	Inzer	Randall
Caffey	Ellis	McNeil	Tunstall
Carlton	Foster	Oliver	Waddell
Carmichael	Hildreth		

—18

Nays:

Messrs:

Adams	Howle	Jones (Barbour)	Nolen
Brower	Hudgens	Jones (Conecuh)	Overton
Garth	Hutson	Martin	Pelham
Griffith	Johnson	Middleton	Slone

—16

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 10.

Yeas:

Messrs:

Bonner	Craft	Hildreth	Oliver
Brooks	Duncan	Horton	Overton
Brower	Ellis	Inzer	Powell
Caffey	Foster	Jones (Conecuh)	Randall
Carlton	Garth	McNeil	Tunstall
Carmichael	Griffith	Nolen	Waddell

—24

Nays:

Messrs:

Adams	Hutson	Martin	Pelham
Howle	Johnson	Middleton	Slone
Hudgens	Jones (Barbour)		

—10

NOTICES.

Mr. Powell, gave to the Senate the Following notice in writing:

Notice is hereby given that on the next legislative day a motion will be made to take from the adverse calendar, so as to

move the second reading of, Senate Bill No. 2, introduced by Senator Brower to repeal Sect. 2069 of the Code of 1907, which said bill was referred to the committee on Finance and Taxation and reported adversely.

R. H. Powell,
26th Senatorial District.

Mr. Martin gave to the Senate the following notice in writing:

Notice is hereby given that on the next legislative day, a motion will be made to take from the adverse calendar, so as to make the second reading of Senate Bill No. 59, introduced by Senator Martin, relating to foreclosure of mortgages, which said bill was referred to the committee on the Judiciary and reported adversely.

H. K. Martin.

RESOLUTION BY RULES COMMITTEE.

Mr. Martin from the Committee on Rules, offered the following Senate Joint Resolution:

S. J. R. 47. Be it resolved by the Senate, the House concurring, that a joint committee be raised, consisting of three from the House, to be appointed by the Speaker of the House, to which number the Speaker shall be added as an ex-officio member, and two from the Senate, to be appointed by the Lieutenant Governor, and of which the president pro tem of the Senate shall be an ex-officio member, which committee, when appointed, shall be, and is hereby empowered and directed to sit with the State budget commission during the recess period of the Legislature, to investigate the financial condition and needs of the State, and its several departments, and to act with and assist said State Budget Commission in any manner that may be found necessary in order to carry out the purpose of said State Budget Commission, so as to be able to report to the adjourned session of the Legislature a well defined financial plan for the State, the objects and amounts of expenditures, the source and yield of revenues, and the way the expenditures and revenues are made to balance. That the members of said committee shall receive the same mileage and compensation as members of the Legislature during the time they are engaged in their duties aforesaid.

And on motion of Mr. Martin said resolution was put upon its immediate passage and adopted and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Jones (Barbour)	Overton
Bonner	Foster	Jones (Conecuh)	Pelham
Brooks	Hildreth	Martin	Powell
Brower	Horton	Middleton	Randall
Caffey	Howle	McNeil	Slone
Carlton	Hudgens	Nolen	Tunstall
Carmichael	Inzer	Oliver	Waddell
Craft			

—29

Nays:—None.

MESSAGE FROM THE GOVERNOR.

Message to the Senate:

Whereas, there has been conflicting statements as to the present conditions of the State Treasury, and

Whereas, it is very necessary for you to know the present condition of the State Treasury, I am herewith submitting to you for your information, consideration and action certified statements of the State Auditor showing the present condition of the State Treasury.

The first statement shows the amount of money in the treasury to the credit of the General Fund and also the amount of outstanding warrants on the 15th day of January, 1923.

The second statement shows the net amount due the trust funds of the State on the 15th day of January, 1923.

The third statement shows the receipts and disbursements of the Highway Department from the 1st of October, 1922 to January 15, 1923.

These statements considered together show that there is at present a considerable deficit instead of a large surplus in the State Treasury.

I, therefore, recommend that this message, together with these statements be referred to the joint committee to be appointed by the Legislature to sit with the Budget Commission to investigate the financial condition and needs of the State.

Respectfully,

Wm. W. Brandon,
Governor.

January 25, 1923.

STATEMENT SHOWING THE AMOUNT OF MONEY IN THE TREASURER'S OFFICE, TO THE CREDIT OF THE GENERAL FUND, ALSO SHOWING THE AMOUNT OF OUTSTANDING WARRANTS ON THE 15TH DAY OF JANUARY, 1923:

Total amount of cash on hand at the close of the 15th.....	\$ 1,127,775.66
Total amount of cash on hand to the credit of the State High-	
way Bonds account	1,083,775.28
Total amount of money to the credit of the General Fund on the 15th	44,000.38
Total amount of outstanding warrants on the 15th.....	973,349.04
Total amount of outstanding warrants to be charged against the Highway Bonds account.....	305,279.39
Net amount of outstanding warrants to be charged against the General Fund	668,069.65
Total amount of outstanding warrants charged against the General Fund	668,069.65

Total amount of money to the credit of the General Fund..... 44,000.38

Total amount of outstanding warrants in excess of cash on hand at the close of the 15th..... 624,069.27

I hereby certify that this is a true and correct statement according to the records in the Auditor's office.

W. B. Allgood,
State Auditor.

STATEMENT SHOWING THE NET AMOUNT DUE THE TRUST FUNDS OF THE STATE ON THE 15TH OF JANUARY, 1923.

	<i>Amount Due</i>
United Daughters of the Confederacy.....	\$ 1,250.00
U. S. Forest Reserve.....	681.29
Game and Fish Department.....	142,148.45
Industrial Rehabilitation—Federal Fund.....	10,872.45
Produce and Markets Bureau.....	510.09
Oyster Protection Fund.....	5,703.02
Pure Food and Drugs.....	307,447.71
Two and Three Per Cent Fund.....	1,895.93
Vocational Education—Federal Fund—Agricultural subjects, trades, and industries, teachers' training.....	7,280.02
Social Hygiene Board.....	506.49
Federal Board of Maternity and Infant Hygiene.....	4,132.94
State Highway Department.....	1,867,133.71
	\$2,349,562.11

NOTE—The above amounts are to be paid out of the General Fund.

I hereby certify that this is a true and correct statement according to the records in the Auditor's office.

W. B. Allgood,
State Auditor.

STATEMENT SHOWING THE RECEIPTS AND DISBURSEMENTS OF THE HIGHWAY DEPARTMENT FROM THE 1ST OF OCTOBER, 1922, THROUGH JANUARY 15, 1923.

	<i>Disbursements.</i>	<i>Receipts.</i>
Auto Licenses	\$ 73.11	\$ 993,635.34
Auto Replacement Tags		270.00
Auto Demonstration Tags		1,525.00
Sale of Highway bonds.....	1,634,802.35	1,390,368.42
Accrued interest, highway bonds.....		21,943.00
Option fees, Highway bonds.....		500.00
Premiums on Highway bonds.....		300.00
State Highway Bond account, Federal Fund refund		728,591.52
Highway Sinking fund, to retire Highway bonds	293,638.30	
Highway Dept. Msl. Federal Fund, refund.....		39,122.89
Amount brought forward from the last fiscal year and placed to the credit of the Highway Dept.		1,471,892.39
State Highway Dept., Misl.....	370,802.59	2,459.09
Balance.....	2,351,291.30	
Total.....	\$ 4,650,607.65	\$ 4,650,607.65
Balance.....		\$ 2,351,291.30

NOTE.—The amount due the Bond Fund is \$484,157.59, leaving a balance of \$1,867,133.71 to be paid out of the General Fund.

GOVERNOR'S MESSAGE.

On motion of Mr. Jones of Barbour, the foregoing Message of His Excellency, the Governor, was read and with accompanying statements, referred to the joint committee of the two Houses created under Senate Joint Resolution No. 47 heretofore adopted, to sit with the Budget Commission to consider the financial condition and needs of the State, and five hundred copies of said message were ordered printed for use of the Senate.

MESSAGE FROM THE GOVERNOR.

Message to the Senate:

Under and by virtue of an act of the Legislature, approved September 30, 1919, amending certain sections of the act creating the Banking Department of the State of Alabama, Acts of 1919, page 818, et. seq., I have appointed, subject to your approval and confirmation, Webb W. Crawford, of Birmingham and Frank P. Folmar, of Troy, members of the Banking Board, each to hold office in accordance with the provisions and conditions of the act above referred to.

Respectfully,

Wm. W. Brandon,
Governor.

January 25, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Duncan, the Senate confirmed the appointment by his Excellency, the Governor, of Webb W. Crawford, of Birmingham, and Frank P. Folmar of Troy, as members of the State Banking Board.

Yeas, 35; Nays, 0.

*Yeas:**Messrs:*

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft
Duncan

Ellis
Foster
Garth
Griffith
Hildreth
Horton
Howle
Hudgens
Hutson

Inzer
Johnson
Jones (Barbour)
Jones (Conecuh)
Martin
Middleton
McNeil
Noten
Oliver

Overton
Pelham
Powell
Randall
Slone
Teasley
Tunstall
Wadden

—35

Nays:—None.

REPLY FROM PADEREWSKI.

Cincinnati, Ohio, Jan. 25, 1923, A. M. 5:30.

Honorable Senator G. Ernest Jones, Chairman Senate Committee, Montgomery, Ala.:

Highly honored by your gracious invitation. Deeply regret my inability to accept it. Professional duty in the evening makes it absolutely impossible to assume such a serious responsibility on the same day; on

the other hand, present position prevents me from speaking about political matters. Kindly accept for yourself and convey to your distinguished colleagues sincere appreciation of and profound gratitude for the honor conferred upon me. With the assurance that under different circumstances nothing would give me more pleasure and pride than to pay my respects to the legislative body of your great chivalrous and glorious state.

I. J. Paderewski.

On motion of Mr. Jones of Barbour, the foregoing reply from Paderewski was read and ordered spread upon the Journal.

NOTICE.

Mr. Griffith gave to the Senate the following notice in writing:

Notice is hereby given as required by Senate Rule No. 48 that a motion will be made on the ninth legislative day to take Senate Bill No. 37 from the adverse calendar and place said bill on its second reading.

Griffith.

BILLS ON THIRD READING RESUMED.

The Bill:

S. 1. To prohibit any and all forms of amusement on Sunday where an admission fee is charged and to provide punishments for violation thereof, and to repeal all general, special or local laws in conflict there with, and to repeal any part or parts of any Act or Acts creating City Commissions, in conflict with the provisions thereof.

Was taken up.

The Standing Committee on Temperance offered the following Amendment to said bill, to-wit:

Amend Section One of Senate Bill No. 1 by adding at the end of said section One the following words: "Provided that this shall not apply to any person who is a mere visitor or spectator."

Amend said Senate Bill No. 1 further by substituting the word "Are" for the word "or" in the last line of Section four of said bill.

Mr. Teasley moves that the Bill and Amendment be indefinitely postponed.

Pending the consideration of said motion:

RECESS.

At 1:00 o'clock P. M. on motion of Mr. Hildreth, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION.

The Senate reassembled at 3:00 o'clock P. M., Lieutenant-Governor McDowell presiding.

ROLL CALL.

On the call of the roll thirty-five members answered to their names, a quorum of the Senate.

UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was the motion of Mr. Teasley to indefinitely postpone the bill.

S. 1. To prohibit any and all forms of amusement on Sunday where an admission fee is charged and to provide punishments for violation thereof, and to repeal all general, special or local laws in conflict there with, and to repeal any part or parts of any Act or Acts creating City Commissions, in conflict with the provisions thereof.

And the pending Amendment offered thereto by the Standing Committee on Temperance, and set out on the Journal of the morning session.

Mr. Bonner moved that the motion made by Mr. Teasley be laid on the table, which was lost.

Yeas, 18; Nays, 17.

Nays:

Messrs:

Adams
Bonner
Caffey
Carmichael
Duncan

Ellis
Foster
Horton
Howle

Hudgens
Inzer
Johnson
Martin

McNeil
Powell
Randall
Slone

—17

Yeas:

Messrs:

Brooks
Brower
Carlton
Craft
Garth

Griffith
Hildreth
Hutson
Jones (Barbour)
Jones (Conecuh)

Middleton
Nolen
Oliver
Overton

Pelham
Teasley
Tunstall
Waddell

—18

The question then recurred on the motion of Mr. Teasley to indefinitely postpone the Bill and pending Amendment, which motion was adopted, and said Bill and Amendment were indefinitely postponed.

Yeas, 18; Nays, 17.

Yeas:

Messrs:

Brooks	Griffith	Middleton	Pelham
Brower	Hildreth	Nolen	Teasley
Carlton	Hutson	Oliver	Tunstall
Craft	Jones (Barbour)	Overton	Waddell
Garth	Jones (Conecuh)		

—18

Nays:

Messrs:

Adams	Ellis	Hudgens	McNeil
Bonner	Foster	Inzer	Powell
Caffey	Horton	Johnson	Randall
Carmichael	Howle	Martin	Slone
Duncan			

—17

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without Engrossment.

By Mr. Fite:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 70. To Revision of Laws.

ADJOURNMENT.

At 5:30 o'clock P. M., on motion of Mr. Foster, the Senate adjourned until 10:00 o'clock tomorrow morning.

NINTH DAY.

Friday, January 26th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Mr. Pelham of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

JOURNAL.

On motion of Mr. Martin, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brower:

S. 105. To provide that in all cities of the State of Alabama having one hundred thousand or more population according to the last Federal census, ~~or which shall have such population according to any such census that may be hereafter taken~~, what is known as the Police Department and what is known as the Fire Department, and all officers and members of said departments, including the chiefs of said departments, must, and shall be under and governed by Civil Service regulations, and all persons who may hereafter be elected or appointed as officers or members of such departments, or either of them, or who may be hereafter employed in either of said departments as members of such, shall thereafter remain and continue in their respective employments as such municipal officers and employees of

said Cities, during good behavior, efficiency and obedience to such reasonable rules and regulations as may be from time to time prescribed by the Civil Service Board which is herein provided for, and as is hereinafter provided. Nothing herein contained shall be construed to prevent or preclude the removal of any officer or member of either of said departments by the Civil Service Board for cause in the manner hereinafter prescribed.

Revision of Laws.

By Mr. Brower:

S. 106. To amend sections 15, 16 and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operation of public utilities and of their service,, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act," approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Judiciary.

By Mr. Powell (By request):

S. 107. To regulate the sale, giving away, or other disposition of drugs, medicines, or poisons in this State, and to provide for the creation of a Board of Pharmacy for service in connection with such sale, giving away, or other disposition.

Public Health.

By Mr. Garth:

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an Act approved April 4, 1911, entitled "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said Precinct to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof.

Local Legislation.

With notice and proof attached thereto and herewith exhibited, as follows:

NOTICE.

Notice is hereby given as required by law, that application will be made to the Legislature of Alabama, at its ensuing session for the passage of a local law, substantially as follows:

A bill to be entitled, "An act to amend the caption and Sections 3, 7,

10, 11, 18, 23 and 24 of an act approved April 4, 1911, entitled, "An act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said Precinct to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court, and the Judge thereof."

Section 1: Be it enacted by the Legislature of Alabama that the caption of an act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court, and the Judge thereof, approved April 4, 1911, be amended so as to read as follows:

An act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the powers of a Justice of the Peace, in the said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof, and to require the Deputy Solicitor of Madison County, to prosecute criminal cases in said Court, and to provide his compensation therefor.

Section 2: That Section 3, of said Act be amended so as to read as follows:

Section 3: In addition to the jurisdiction above conferred, said Court and the Judge thereof shall have and exercise Civil jurisdiction of Justices of the Peace, in all cases where the cause of action arose, or the defendants reside in Madison County, and criminal jurisdiction of Justices of the Peace, in all cases where the offense is committed in Madison County.

Section 3: That Section 7 of said Act be amended so as to read as follows:

Section 7: The Judge shall, at the time of his appointment or election, be learned in the law, at least twenty-one years of age, and shall have resided in said Precinct at least twelve months preceding his election or appointment. Vacancies in the office of said Judge shall be filled by appointment by the Governor, and such Appointee shall hold for the unexpired term of his predecessor.

Section 4: That Section 10, of said act, be amended so as to read as follows:

Section 10: Said Clerk must keep Civil and Criminal dockets of all cases in said Court as now provided by law, for Justices of the Peace, provided said dockets shall also show an itemized statement of all costs, fees, and fines due and collected, and said Clerk shall make a complete statement of all costs, fees, fines and forfeitures due and collected, and quarterly report the same to the Probate Judge of Madison County. Said Clerk shall sign and issue all summons and complaints, writs, executions and other process, make out transcripts, take affidavits, administer oaths, approve bonds in Civil Cases, and perform all other duties not of a judicial character that may be necessary and proper to maintain the jurisdiction and authority of the said Inferior Court.

Section 5: That Section 11, of said act, be amended so as to read as follows:

Section 11: It is the duty of the County Commissioners of Madison County, or Board of Revenue of Madison County, to provide a suitable room in which to hold said Court, and the necessary stationery and postage shall be paid out of the moneys paid into the County Treasury by the Clerk of said Court, under the provisions of this act, not to exceed the sum of \$25.00 per month, the amount for the rent of said Court room, including said stationery and postage.

Section 6: That Section 18 of said act be amended so as to read as follows:

Section 18: In the absence or disability of the Judge of said Court, the Probate Judge of said County shall appoint a Judge of said Court to serve until the return of the said Judge, or during his disability, who shall be paid the sum of \$3.50 per day, as the Judge of said Court is now paid, out of the County Treasury, and said amount deducted from the salary of the Judge, unless said Judge shall file with the Probate Judge, a certificate that his absence was caused by reason of the sickness of himself or of his family.

Section 7: That Section 23 of said act be amended so as to read as follows:

Section 23: The Deputy Solicitor of the Circuit Court of Madison County shall attend said Court and prosecute criminal cases therein, and there shall be taxed in each criminal case, a solicitor's fee, when a conviction is had, in the amount provided by law, and the said solicitor's fee shall be taxed and collected in the same manner as said fees are taxed and collected and paid in the Circuit Court of Madison County, provided that said solicitor's fees in said Inferior Court shall be paid by the Clerk of said Court to the Deputy Solicitor of the Circuit Court of Madison County, in the sum of \$600.00 per annum, provided said amount of fees be collected, payable in monthly installments, any surplus over and above said sum of \$600.00 to be paid into the County Treasury of said County, as other fees are directed to be paid, under the provisions of this act.

Section 8: That Section 24 of said act be amended so as to read as follows:

Section 24: It shall be unlawful for the Judge of said Court to practice law in any of the Courts of his County, in any cause, which was at any time, in any manner, pending in said Inferior Court, or before him as Judge of said Court.

State of Alabama, }
Madison County. }

Before me, Addison White, a Notary Public in and for said County and State, this day personally appeared J. E. Pierce, who being by me first duly sworn, deposes and says that he is the Editor and general manager of Huntsville Daily Times, a newspaper published in the City of Huntsville; that the foregoing is a verbatim copy of notice published in said newspaper, without cost to the State of Alabama, once a week, for four consecutive weeks, viz: On January 1, 1923, January 8, 1923, January 15, 1923, and January 22, 1923.

J. E. Pierce.

Sworn to and subscribed before me on this 23 day of January, 1923.

Addison White,
Notary Public.

(SEAL)

By Mr. Adams:

S. 109. To regulate the feeding of prisoners in County Jails.
Finance and Taxation.

By Mr. Craft:

S. 110. To regulate the selling of gasoline at retail and to provide the punishment for the violation of this act.
Finance and Taxation.

By Mr. Overton:

S. 111. To prohibit the having in possession, or use, or operation of any automobile, automobile truck or motor vehicle

of any kind with its motor number or serial number defaced or partially defaced, and to prescribe penalties therefor.

Judiciary.

By Mr. Brower:

S. 112. To amend Sections 14, 15, 16 and 47 of an Act entitled, "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act", approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foster:

S. 92. To establish the State Board of Convict Supervisors, in lieu of the State Board of Control and Economy and the State Warden General and the State Board of Convict Inspectors, and to confer authority and power upon, and to prescribe the duties of, the said Board of Convict Supervisors and its members, to fix the terms of their office, salaries, compensation and the mode of payment.

By Mr. Foster:

~~S. 103.~~ S. 103. To repeal an Act approved September 30th, 1920, entitled "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said board," approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree.

By Mr. Foster:

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy: To confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing, and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages, and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

By Mr. Inzer:

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brower:

S. 95. To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

By Mr. Brower:

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

By Mr. Brower:

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more

than two hundred thousand population, according to the last or any succeeding federal census, and to provide for the payment of such compensation.

By Mr. Fite:

H. 70. To create the office of Deputy Circuit Clerk of the criminal division of the Circuit Court in all counties of the State having a population of more than two hundred thousand, according to the last or any subsequent Federal census: To provide for the appointment of such officer and the election of his successor; To prescribe the duties, authorities and to fix the compensation of such Deputy Circuit Clerk.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Foster. (With Amendment):

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department.'"

By Mr. Goode:

H. 83. To make an appropriation for the control and eradication of Tuberculosis, Hog Cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

ADVERSE REPORT.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with an Adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Hutson:

S. 33. To amend an act entitled "An act to amend Section 3970 of the Code of Alabama of 1907", passed by the Legislature of Alabama at the session of 1915, and approved September 7, 1915.

RESOLUTIONS.

Mr. Waddell offered the following Joint Resolution:

S. J. R. 48. Resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet

on Tuesday, the 30th day of January, 1923, at 2 o'clock P. M.

Mr. Bonner offered the following Amendment to said Resolution, to-wit:

Amend by substituting the word "Monday" for the word "Tuesday" wherever same appears in Resolution.

Which was lost.

Yeas, 14; Nays, 21.

Yeas:

Messrs:

Adams	Caffey	Inzer	Pelham
Bonner	Carlton	Martin	Tunstall
Brooks	Craft	Nolen	Waddell
Brower	Foster		

—14

Nays:

Messrs:

Carmichael	Horton	Jones (Barbour)	Overton
Duncan	Howle	Jones (Conecuh)	Powell
Ellis	Hudgens	Middleton	Randall
Garth	Hutson	McNeil	Slone
Griffith	Johnson	Oliver	Teasley
Hildreth			

—21

Mr. Martin then moved that the Resolution be adopted, which motion prevailed and said Resolution was adopted and ordered sent forthwith to the House.

Mr. Ellis offered the following Joint Resolution:

S. R. 49. Whereas, the special report of the State Auditor recently submitted to the Legislature shows that if the outstanding warrants against the State Treasury had been paid and the State Highway Fund had been kept separate and apart and preserved for road building, as intended by voters and Legislators, there would have been a deficit in the State Treasury of more than Two Million, Four Hundred Thousand Dollars; and

Whereas, there appears to be an actual deficit in the general funds of the State Treasury out of which appropriations may be made, which actual deficit has been concealed by the payment of warrants drawn for other purposes out of road funds, including money borrowed on a part of the Twenty-Five Million Dollar Road Bond Issue; and

Whereas, this body will shortly take a recess, during which it is desirable for its members to give consideration to the matters of taxation, economy and appropriations, in the doing of which information would be helpful and desirable;

Now Therefore Be it Resolved by the Senate of the State of Alabama that the State Auditor be and he is requested and directed to furnish to this body the following information, or

so much thereof as he can conveniently furnish before noon on the eleventh legislative day, to-wit:

1. Statements of the amount of money in the State Treasury to the credit of the general fund, also showing the amount of outstanding warrants on the following dates, to-wit:

October 1, 1922 and October 15, 1922.

November 1, 1922 and November 15, 1922,

December 1, 1922 and December 15, 1922, and

January 1, 1923.

2. The net amount due the trust funds of the State on the dates hereinabove mentioned.

3. A statement showing what the condition of the Treasury would have been if the trust funds of the State Highway Department created for the improvement of public roads had not been used as a part of the general fund of the Treasury as to the amount of surplus or deficit on the dates hereinabove mentioned, that is to say, if said highway or road fund had not been used for general Treasury purposes, what the amount of surplus or deficit would have been on said dates.

Which was read and referred to the Standing Committee on Rules.

And Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the foregoing Joint Resolution No. 49 and ordered same returned to the Senate with a favorable report, and on motion of Mr. Martin said report was concurred in and said Resolution adopted by the Senate, and the Secretary was instructed to transmit a copy of said Resolution to the State Auditor.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 48 relative to the adjournment of the two Houses until Tuesday, January 30th, at two o'clock p. m.

And returns same to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Long:

H. J. R. 24. Resolved, by the House of Representatives, the Senate concurring, that the State Highway Department is hereby requested to furnish the House and Senate at its earliest convenience the following information:

First—The name, address and salary or *per diem* of each employee, including road engineers and crew.

Second—Expenses of Highway Commissioners.

Third—Amount of automobile tax collected during the past fiscal year.

Fourth—How many bonds, if any, have been sold and paid for.

Fifth—Number of miles of roads surveyed and located in each county and cost of such survey.

Sixth—Number of miles of road contracted for in each county, and the contract price per mile.

Seventh—Number of miles constructed in each county and the cost per mile thereof.

Eighth—Location of each bridge over a navigable stream together with the cost of same if completed and if not completed but contracted for; then the contract price thereof. If any such bridge has been located and not contracted for then the estimated cost thereof.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolution No. 24, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

Thereupon, Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the foregoing House Joint Resolution No. 24, set out in the foregoing House Message, and ordered same returned to the Senate with a favorable report, and on motion of Mr. Martin said report was concurred in and said Resolution adopted.

BILL TAKEN FROM ADVERSE CALENDAR.

Pursuant to notice heretofore given, Mr. Powell moved that the Bill:

S. 2. To repeal section 2069 of the Code of Alabama of 1907.

Be taken from the adverse calendar, read a second time and placed upon the regular calendar, which motion prevailed and said Bill was taken from the adverse calendar, read a second time and placed upon the calendar for a third reading on tomorrow.

Yeas, 24; Nays, 9.

Yeas:

Messrs:

Adams

Bonner

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Garth

Griffith

Horton

Howle

Hutson
Inzer
Johnson

Jones (Barbour)
Martin
Middleton

McNeil
Nolen
Pelham

Powell
Randall
Stone

—24

Nays:
Messrs:
Brooks
Ellis
Foster

Hildreth
Jones (Conecuh)

Oliver
Overton

Tunstall
Waddell

—9

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated, and passed the following Bills:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Also:

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907.

Also:

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the Criminal Code of Alabama, 1907.

Also:

H. 77. To amend section 6958 of the Criminal Code of Alabama, 1907.

Also:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Also:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjusters and Board of County Tax Adjusters.

Also:

H. 82. To make an appropriation for tick eradication.
And sends same herewith to the Senate.

J. H. Stewart,

Clerk of House of Representatives.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees as follows:

H. 27 and H. 81 to the Committee on Judiciary.

H. 74 and H. 76 and H. 77, to the Committee on Revision of Laws.

H. 82 and H. 87, to the Committee on Finance and Taxation.

RESOLUTIONS.

Mr. Adams offered the following Joint Resolution:

S. J. R. 50. Resolved by the Senate, the House concurring, that the Budget Commission together with the joint Budget Committee to sit during the recess be and hereby are instructed to consider plans for assessing an excise or privilege tax on power developed and distributed by hydro-electric plants and draw such bills as may be necessary to carry into effect such recommendations as they may make to the legislature, and also to consider plans for the encouragement of new industries in the State.

Which was, under a suspension of the rules, adopted.

Mr. Adams also offered the following Joint Resolution:

S. J. R. 51. Resolved by the Senate, the House concurring, that when the Legislature adjourns for the recess that we do adjourn to meet on July 9, 1923.

Which was read and referred to the Standing Committee on Rules.

Mr. Oliver offered the following Senate Joint Resolution:

S. J. R. 52. Be it resolved by the Senate and House of Representatives of the State of Alabama, as follows:

That, Whereas, by Section 19a of the Interstate Commerce Act, providing for the valuation by the Interstate Commerce Commission of the properties of common carriers, it is provided that "such investigation shall show the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required," and

Whereas, the Commission in its valuation reports thus far made has shown the values of properties covered by such reports in each case as a whole only, and has failed to show the values thereof "in each of the several States and Territories and the District of Columbia;" and

Whereas, the Bureau of Valuation of said Commission has recommended to the Commission that it request Congress to relieve it from showing the values of said properties by States; and,

Whereas, it is desirable for various uses and purposes that such valuation shall be shown separately by States, as aforesaid:

Resolved, that the Senate and House of Representatives of the State of Alabama now in session express their view that the Interstate Commerce Commission should show as to each interstate carrier the value of its property in each of the several States in which the property exists, and that no change in the law to sanction failure to make such showing ought to be sought or made; and be it further

Resolved, that a copy of this resolution be mailed to each United States Senator and each member of Congress from the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

BILL TAKEN FROM CALENDAR AND RE-COMMITTED.

On motion of Mr. Waddell, the bill:

S. 57. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay, stream, or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

Was taken from today's calendar and re-committed to the standing Committee on Judiciary.

BILLS ON THIRD READING.

The Bill:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and Clerks and provide for their pay and expenses.

Was taken up.

Mr. Waddell offered the following Amendment to said Bill:

Amend the Bill by inserting between the word "of" and "three" in the second line of Section 1, the words "the Lieutenant-Governor and", and also by inserting between the words "and" and "five" in the second line of Section 1, the words "The Speaker of the House and" and also by inserting between the words "five" and "representatives" in the second line of section 1, the word "other."

Which was adopted.

Yeas. 32; Nays, 0.

Yeas:

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Ellis

Foster

Garth

Griffith

Hildreth

Horton

Howle

Hudgens

Hutson

Johnson

Jones (Barbour)

Jones (Conecuh)

Martin

Middleton

McNeil

Oliver

Overton

Pelham

Powell

Randall

Slone

Teasley

Tunstall

Waddell

Nays:—None.

And said Bill as thus Amended was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Martin	Randall
Caffey	Hildreth	Middleton	Slone
Carmichael	Horton	McNeil	Teasley
Craft	Howle	Oliver	Tunstall
Ellis	Hutson	Overton	Waddell

—28

Nays:—None.

The Bill:

S. 71. To amend Section five (5) of an act, approved September 25, 1915, and entitled, "An act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solcitors, prescribe their duties and authority, and fix their compensations."

Was read a third time at length and passed.

Yeas, 33; Nays, 1.

Yeas:

Messrs:

Adams	Garth	Johnson	Overton
Bonner	Griffith	Jones (Barbour)	Pelham
Brooks	Hildreth	Jones (Conecuh)	Powell
Brower	Horton	Martin	Randall
Caffey	Howle	Middleton	Slone
Carlton	Hudgens	McNeil	Teasley
Craft	Hutson	Nolen	Tunstall
Ellis	Inzer	Oliver	Waddell
Foster			

—33

Nays: Mr. Duncan—1.

The Bill:

S. 84. To amend Section 1 of an Act approved February 11th, 1919, entitled "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

Was taken up.

Mr. Inzer offered the following Amendment to said Bill:

Amend Section 1 by adding:

Provided that the Chief Examiner of Accounts shall not receive extra compensation for his services as a member of said Budget Commission.

Mr. Nolen moves to table the Amendment offered by Mr. Inzer, which motion prevailed and said Amendment was laid on the table.

Yeas, 22; Nays, 10.

Yeas:

Messrs:

Bonner	Craft	Middleton	Randall
Brooks	Ellis	McNeil	Slone
Brower	Foster	Nolen	Teasley
Caffey	Hildreth	Oliver	Tunstall
Carlton	Horton	Powell	Waddell
Carmichael	Jones (Conecuh)		

—22

Nays:

Messrs:

Adams	Howle	Johnson	Martin
Duncan	Hudgens	Jones (Barbour)	Pelham
Garth	Inzer		

—10

Mr. Duncan offered the following Amendment to said Bill:

Amend S. 84 by adding at the end of Section One the following words, "Provided all members of the Budget Commission shall serve without extra pay for their services on said Budget Commission."

Mr. Teasley moves to table the Amendment offered by Mr. Duncan, which motion prevailed and the Amendment was laid on the table.

Said Bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 8.

Yeas:

Messrs:

Bonner	Ellis	Jones (Barbour)	Powell
Brooks	Foster	Jones (Conecuh)	Randall
Brower	Griffith	Middleton	Slone
Caffey	Hildreth	McNeil	Teasley
Carlton	Horton	Nolen	Tunstall
Carmichael	Hudgens	Oliver	Waddell
Craft	Hutson		

26

Nays:

Messrs:

Adams	Garth	Inzer	Martin
Duncan	Howle	Johnson	Pelham

—8

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House Joint Resolutions, your signature is thereto requested:

H. J. R. 14—Relative to a joint committee from the Senate and the House of Representatives to consider and recommend

the per diem and mileage which members of recess committee shall receive.

Also:

H. J. R. 17.—Relative to requesting the Alabama delegation in National Congress to oppose any effort to repeal any of the present Federal laws restricting immigration into the United States, and further requesting the Alabama Senators and Representatives to support all measures forbidding immigration until plans can be formulated for a definite plan for the protection of America against aliens who are not in sympathy with American ideals.

J. H. Stewart,
Clerk.

SIGNING OF RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length, by the Secretary of the Senate, signed the foregoing Resolutions, the titles of which are set out in the foregoing:

Message from the House.

RESOLUTION.

Mr. Carlton offered the following Resolution:

S. J. R. 53. Be it resolved by the Legislature of Alabama: That the members of the Senate and House of Representatives of the State of Alabama recognize in the efforts of Mr. E. F. Allison, of Bellamy, Sumter County, Alabama, in the preservation of the wild game of the State a service which places the State and its people under obligation to his efforts and do hereby convey to Mr. Allison their appreciation of said service; and that this resolution be made a part of the records of the Senate and the House, and a copy of said resolution be furnished him.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED.

The Bill:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Was taken up.

The following Amendment offered by the Standing Committee on Finance and Taxation, to-wit:

Amend the Bill by striking out the words "January 1st", and inserting in lieu thereof the words "March 31st."

Was adopted.

Yeas, 26; Nays, 6.

Yeas:

Messrs:

Bonner	Foster	Johnson	Powell
Brooks	Garth	Jones (Conecuh)	Randall
Caffey	Hildreth	McNeil	Slone
Carlton	Horton	Nolen	Teasley
Carmichael	Howle	Oliver	Tunstall
Duncan	Hudgens	Pelham	Waddell
Ellis	Inzer		

—26

Nays:

Messrs:

Adams	Craft	Hutson	Middleton
Brower	Griffith		

—6

And said Bill as thus amended was read a third time at length and passed.

Yeas, 27; Nays, 7.

Yeas:

Messrs:

Bonner	Foster	Johnson	Powell
Brooks	Garth	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	McNeil	Teasley
Carmichael	Howle	Nolen	Tunstall
Duncan	Hudgens	Oliver	Waddell
Ellis	Inzer	Pelham	

—27

Nays:

Messrs:

Adams	Craft	Hutson	Middleton
Brower	Griffith	Jones (Barbour)	

—7

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules reported that said committee in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 53. Be it resolved by the Legislature of Alabama: That the members of the Senate and House of Representatives of the State of Alabama recognize in the efforts of Mr. E. F. Allison, of Bellamy, Sumter County, Alabama, in the preservation of the wild game of the State a service which placed the State and its people under obligation to his efforts and do hereby

convey to Mr. Allison their appreciation of said service; and that this resolution be made a part of the records of the Senate and the House, and a copy of said resolution be furnished him.

And on motion of Mr. Martin said report was concurred in and said Resolution adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following S. J. R.

S. J. R. 43. Whereas, the Southern Forestry Congress will hold its Fifth Annual Convention in the City of Montgomery, Alabama, on January 29th-31st, inclusive:

Therefore be it resolved by the Senate, the House concurring, that a Joint Resolution be passed inviting Hon. H. S. Graves, Professor of Yale School of Forestry, Henry E. Hardtner, a practical lumberman, and E. F. Allison, lumber king, to address a joint session of the Legislature, the Governor and State officials of the State of Alabama, on January 30th, 1923, on the importance of reforestation of our State, and what it means to the State and Nation. The Commissioner of Conservation is hereby instructed to forthwith extend invitations to the above named gentlemen to be present on that date.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

S. 71. To amend Section five (5) of an act, approved September 25th, 1915, and entitled, "An act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensations."

ADJOURNMENT.

At 1:30 P. M. on motion of Mr. Adams and pursuant to Joint Resolution heretofore adopted the Senate adjourned until Tuesday, January 30th, at 2:00 o'clock P. M.

TENTH DAY.

Tuesday, January 30th, 1923.

The Senate met pursuant to adjournment, Lieutenant-Governor McDowell presiding.

PRAYER.

By Rev. Dr. Dennis of the City.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Concuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson		

—34

JOURNAL.

On motion of Mr. Hildreth, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Foster:

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State Treasury," approved Sept. 29, 1919.

Judiciary.

By Mr. Overton:

S. 114. To require the trustees of Insane Hospitals and other Eleemosynary Institutions owned by the State of Alabama, to make and publish a verified semi-annual report, of all receipts and disbursements, which publication to be made in one paper in every county of the State; showing what persons are receiving free homes, free lights and water, free servants,

at the expense of the State, free food and groceries, and what salary each superintendent, physician, or other employees of said institution are receiving; to provide the time when said publications are to be made; to provide payment for said publications; and to provide penalties for the violation of this Act.

Finance & Taxation.

By Mr. Overton:

S. 115. To require the trustees of every state educational instructor or other employees of said institutions are receiving semi-annual report of all receipts and disbursements, which publication to be made in one paper in every county in the State, showing what persons are receiving free homes, free lights and water, free servants, at the expense of the state, free food and groceries, and what salary each president, instructor or other employees of said institutions are receiving; to provide the time when said publications are to be made; to provide payment for said publications; and to provide penalties for the violation of this act.

Finance & Taxation.

By Mr. Overton:

S. 116. To authorize the Governor of Alabama, to publish in one newspaper in each county of the State, the reports of the Examiner of Public Accounts, of all state officials whose books have been examined by such examiner; and to provide compensation for such publications.

Finance & Taxation.

By Mr. Overton:

S. 117. To require the Probate Judges of this state, to publish in some newspaper in their respective counties, the reports of the Examiner of Public Accounts, of all county officials whose books have been examined by such examiner; and to provide penalties for the violation of this act.

Finance & Taxation.

By Mr. Overton:

S. 118. To require courts of county commissioners and boards of revenue to publish the minutes of their respective meetings in some newspaper in their counties, and to provide penalties for failure to do so.

Finance & Taxation.

By Mr. Overton:

S. 119. To require all county boards of education in the State of Alabama to make and publish semi-annual statements of all receipts and disbursements; to provide the time when such publications are to be made; and to provide penalties for the violation of this Act.

Finance & Taxation.

By Mr. Overton:

S. 120. To require all Tax Assessors in the state to publish annually in some newspaper published in their respective counties, a report of all tax returns made in his county, specifying the names of the persons making returns, and all property returned by them, both real and personal; to provide payment for said publications; and to provide penalties for the violation of this act.

Finance & Taxation.

By Mr. Overton:

S. 121. To require the Trustees of every State Educational Institution in the State of Alabama to publish the minutes of their respective meetings in one paper in each county in the State; to provide a mode for the payment of said publications, and to provide penalties for the violation of this Act.

Finance & Taxation.

By Mr. Overton:

S. 122.—To require the State Highway Commission to publish an itemized quarterly statement, in one paper in every county in the State of Alabama, showing all receipts and disbursements of money handled by them, and to provide penalties for the violation of this Act.

Finance & Taxation.

By Mr. Overton:

S. 123. To amend section 3317 of the Code of 1907, as amended by an act of the Legislature of Alabama, approved Sept. 25, 1915.

Finance & Taxation.

By Mr. Overton:

S. 124. To require all city and town governing authorities to make and publish an itemized quarterly statement in some newspaper published in said city or town, showing all receipts and disbursements, and to provide penalties for the violation of this act.

Finance & Taxation.

By Mr. Overton:

S. 125. To require all city and town governing authorities to make and publish the minutes of every regular or called meeting in some newspaper published in said city or town, showing all transactions had at said meeting and to provide penalties for the violation of this act.

Finance & Taxation.

By Mr. Overton:

S. 126. To permit newspaper editors, publishers and employees of newspapers to accept free transportation from railroads and other common carriers in exchange for space and advertisements in their newspapers and to permit the free use

of such railroad transportation on railroads and other common carriers by the editors, publishers and employees of newspapers holding the same.

Commerce and Common Carriers.

By Mr. Hudgens:

S. 127. To amend section five (5) of an Act, approved September 30th, 1919, and entitled "An Act to fix the compensation of the several State executive officers, officers of department and boards, subordinate officers, clerks, watchman and Capitol servants", so as to fix the salaries of the chief clerk and stenographer in the office of the Secretary of State.

Finance & Taxation.

By Mr. Powell:

S. 128. To amend Section 6110 of the Code of Alabama.
Revision of Laws.

By Mr. Powell:

S. 129. To make an appropriation for the equipment and maintenance of the Alabama Room in the Confederate Memorial Museum at Richmond, Virginia.

Finance & Taxation.

By Mr. Waddell:

S. 130. To amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of Section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance com-

panies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act, approved September 28, 1915". Approved February 17, 1919.

Municipalities and Municipal Organization.

By Mr. Teasley:

S. 131. To amend Section 3531 of the Code of Alabama of 1907 as amended by an act of the Legislature approved October 5, 1920.

Revision of Laws.

By Mr. Hildreth:

S. 132. To define and regulate the business of Dry Cleaning and Dyeing in cities in the State of Alabama of over six thousand population according to the last Federal Census and any subsequent Federal Census, and to provide for the erection and maintenance of dry cleaning and dyeing building and establishments, and the inspection by the State of buildings and establishments used for such purposes in such cities, and to provide ways and means for enforcing this Act, and penalties for the violation thereof.

Public Health.

By Mr. Martin (By request):

S. 133. To authorize the increase of the Capital Stock or shares of Building and Loan Associations organized under the laws of this State.

Judiciary.

By Mr. Martin (By request):

S. 134. To establish and regulate liens in favor of Garage

Keepers, Automobile Repairmen, or Bailees of motor vehicles, for storing, maintaining or repairing motor vehicles, or furnishing gasoline, accessories, parts, or other supplies for motor vehicles, and to regulate the procedure for the enforcement thereof.

Judiciary.

By Mr. Overton:

S. 135. To amend Section 2062 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Overton:

S. 136. To amend Section 2069 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Waddell:

S. 137: To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the County Jails during the fiscal year ending September 30, 1922, and which are unpaid.

Finance and Taxation.

By Mr. Griffith:

S. 138. To prohibit the operation for hire or reward of pool tables, pin pool tables, billiard tables, or tables on which games of like kind are played in the State of Alabama, and to provide for the enforcement thereof.

Temperance.

REPORTS OF COMMITTEES.

Mr. Inzer, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Howle:

S. 77. To make County Superintendents of Education Elective by a vote of the qualified electors of their respective counties.

LEAVE OF ABSENCE.

On motion of Mr. Garth, leave of absence was granted Mr. Teasley for today.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following H. J. R.

By Mr. Culver:

H. J. R. 16. Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and detailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature, together with such suggested bills and resolutions ~~as they may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama.~~ The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolution No. 16 set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

NOTICE.

Mr. Craft gave to the Senate the following notice in writing:
To the Senate:

Notice is hereby given that on the next legislative day, I will make motion to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

S. 87. To require all motor drivers in Alabama to stop on reaching any railroad, interurban car track, tram road track or other similar crossings, in rural districts, and to provide penalties for any violation thereof.

John Craft,
Senator 33rd Dist.

RESOLUTIONS.

Mr. Pelham offered the following Joint Resolution:

S. J. R. 54. Be it resolved by the Senate, the House concurring that a joint committee to be composed of two members of Senate to be appointed by the presiding officer of the Senate and three members of the House to be appointed by the speaker of the House to sit during the recess of the legislature to study the judicial circuits as now defined and to redistrict the state into judicial circuits, so as to equalize the work of the several judges of the several Judicial Circuits of the State.

Which was read and referred to the Standing Committee on Rules.

Mr. Horton offered the following Joint Resolution:

S. J. R. 55. Whereas, the Constitution of the State of Alabama provides:

That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles, and—

Whereas, it is the sense of the Legislature of Alabama that

these rights guaranteed by the Constitution should be preserved inviolate, now, therefore,

Resolved, by the Senate, the House concurring, that it shall be improper and not permissible for any teacher, principal, superintendent, trustee, director, member of a school board or any other person exercising authority in or over a public school, college or university, whether holding office by election or appointment, to teach or permit to be taught in any institution of learning supported by public taxation, Atheism, Agnosticism, Darwinism, or any other hypothesis that links man in blood relationship to any other form of life.

Which was read and referred to the Standing Committee on Education.

BILLS ON THIRD READING.

The Bill:

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft

Duncan
Ellis
Foster
Griffith
Hildreth
Howle
Hudgens
Inzer

Johnson
Jones (Barbour)
Jones (Conceh)
Martin
Middleton
McNeil
Nolen
Oliver

Overton
Pelham
Powell
Randall
Slone
Tunstall
Waddell

—31

Nays:—None.

The Bill:

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Was read a third time at length, passed and ordered sent forthwith to the House without engrossment.

Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Powell
Caffey	Horton	Martin	Randall
Carlton	Howle	Middleton	Slone
Carmichael	Hudgens	McNeil	Tunstall
Duncan	Hutson	Nolen	Waddell

—32

Nays:—None.

JOINT SESSION.

Under a joint Resolution heretofore adopted, the two Houses met in Joint Session to hear the addresses of certain members of the Southern Forestry Association, which had been invited to address the members of the two Houses.

The Joint Session was called to order by Hon. C. S. McDowell, Lieutenant Governor, who directed the Secretary of the Senate to call the roll of the Senate and the following Senators answered to their names:

Yeas:

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson		

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Being a quorum of the Senate.

The Speaker of the House directed the Clerk of the House to call the roll of the House and the following members answered to their names:

Mr. Speaker	Byars	Fanning	Hatter
Adams	Calloway	Ferrell	Hawkins
Adcock	Cato	Fite	Henley
Allen	Christian	Forman	Henson
Arrington	Coleman	Gaines	Hodgson
Ashcraft (Fayette)	Cook	Glass	Hornsby
Ashcraft (Lauderdl.)	Culver	Glenn	Howard
Bealle	Cunningham	Glover	Howze
Blackwell	Deloney	Goode	Hubbard
Bowen, Lewis	Dickinson	Goodwyn	Jeter
Bowen, L. K.	Dowdle	Graves	Jones
Boykin	Dunwoody	Grove	Kilpatrick
Burns	Elliott	Guy	Lee
Burton	Embry	Hall	LeMaistre

Letson	Parker	Smith (Clay)	Tyson
Long	Patterson	Smith (Jefferson)	Varner
Love	Pickens	Smith (Lee)	Verner
Luck	Poole	Snodgrass	Walker
McGowen	Powell	Sollie	Wall
Melton	Rives	Stewart (Bibb)	Walton
Mooneyham	Rountree	Stewart (Calhoun)	Ware
Moorer	Russell	Thompson (Etowah)	Mrs. Wilkins
Moxley	Rutherford	Thompson (Jackson)	Williams
Nichols	St. John	Tiller	Wyatt
Norman	Sanders (Pike)	Tunstall	Young
Odum	Sessions		

—102

Being a quorum of the House.

The Joint Session of the Legislature was addressed by Hon. J. G. Peters, of Washington, D. C.; Hon. M. L. Alexander, of Louisiana; Hon. Henry E. Heartner, of Louisiana, on the subject of Conservation.

The purpose of the Joint Session having been accomplished, the Senate retired to its Chamber.

The Senate re-assembled at 3:45 P. M., Lieutenant-Governor McDowell presiding.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson		

—34

BILLS ON THIRD READING RESUMED.

On motion of Mr. Nolen, the further consideration of the Bill:

S. 75. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama, was postponed until the 22nd Legislative day.

Yeas, 27; Nays, 6.

Yeas:

Messrs:

Adams	Caffey	Foster	Horton
Bonner	Carlton	Garth	Howle
Brooks	Carmichael	Griffith	Hudgens
Brower	Ellis	Hildreth	Inzer

Johnson	Middleton	Oliver	Slone
Jones (Conecuh)	McNeil	Overton	Tunstall
Martin	Nolen	Powell	—27
<i>Nays:</i>			
<i>Messrs:</i>			
Craft	Jones (Barbour)	Randall	Waddell
Duncan	Pelham		—6

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House Bill, your signature thereto is requested:

H. 16. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James. J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the Committee and clerks and provide for their pay and expenses.

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which are set out in the foregoing:

MESSAGE FROM THE GOVERNOR.

Message to the Senate:

I am in receipt of a communication from Hon. W. S. Keller, State Highway Engineer, requesting that I, as Governor, ask the Legislature to appoint a special committee to examine fully into the accounts and the work of the Highway Department and that the United States Government be requested to have one or more representatives to sit with your committee. I concur in and approve the request.

I, therefore, recommend that the Legislature appoint a joint committee in the House and in the Senate, of any number deemed advisable by the Legislature, and that one or more representatives of the United States Government, engaged in joint effort with the State to construct and improve post roads and highways, be requested to sit with your committee. As many of the projects of the State highways have to be approved by representatives of the Federal Government in order to obtain aid from the Federal Government, I deem it very proper that the Federal Government should be informed as to how its money is being expended on the public roads, bridges and highways in this State.

I, therefore, request that the Legislature pass a joint resolution providing for the joint committee from the two Houses, with an invitation to representatives of the Federal Government to sit with the committee, in accordance with the request of the State Highway Engineer.

Respectfully,

Wm. W. Brandon,
Governor.

January 30, 1923.

GOVERNOR'S MESSAGE.

The foregoing message from His Excellency, the Governor, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR.

Message to the Senate:

Several days ago I sent to your body a message announcing the appointment of Hon. A. E. Jackson to the office of Superintendent of Banks to become effective February 15, 1923, which appointment was concurred in by your body.

It now appears that there will be a vacancy in the office of Superintendent of Banks from the first of February to the fifteenth. I, therefore, nominate or appoint Hon. A. E. Jackson as Superintendent of Banks to fill this interim from the first of February to the fifteenth, subject to your confirmation.

Respectfully,

Wm. W. Brandon,
Governor.

January 30, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Foster the Senate confirmed the appointment by the Governor of Hon. A. E. Jackson, as Superintendent of Banks to fill the interim from the first of February to the fifteenth day of February.

Yeas, 33; Nays, 0.

*Yeas:**Messrs:*

Adams	Foster	Inzer	Oliver
Brooks	Garth	Johnson	Overton
Brower	Griffith	Jones (Barbour)	Pelham
Caffey	Hildreth	Jones (Conecuh)	Powell
Carlton	Horton	Martin	Randall
Carmichael	Howle	Middleton	Slone
Craft	Hudgens	McNeil	Tunstall
Duncan	Hutson	Nolen	Waddell
Ellis			

Nays:—None.

—33

BILLS ON THIRD READING RESUMED.

Mr. Nolen moved that the further consideration of S. 76. To require instruction in the public schools in this State in regards to the humane protection of animals. be postponed until the 22nd Legislative day.

Mr. Craft moved to table the motion by Mr. Nolen, which was lost.

Yeas, 10; Nays, 21.

*Yeas:**Messrs:*

Caffey	Garth	Johnson	Pelham
Craft	Hildreth	Jones (Barbour)	Waddell
Duncan	Hutson		

—10

Nays:

Messrs:

Adams	Griffith	Martin	Overton
Bonner	Horton	Middleton	Powell
Brooks	Hudgens	McNeil	Randall
Carlton	Inzer	Nolen	Slone
Carmichael	Jones (Conecuh)	Oliver	Tunstall
Foster			

—21

And the motion of Mr. Nolen then prevailed and said Bill was postponed until the 22nd Legislative day.

Yeas, 27; Nays, 6.

Yeas:

Messrs:

Adams	Ellis	Hudgens	Nolen
Bonner	Foster	Inzer	Oliver
Brooks	Garth	Jones (Barbour)	Overton
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	

—27

Nays:

Messrs:

Craft	Hutson	Pelham	Waddell
Duncan	Johnson		

—6

The Bill:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties."

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	McNeil
Bonner	Ellis	Hutson	Nolen
Brooks	Foster	Inzer	Oliver
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Barbour)	Powell
Carlton	Hildreth	Jones (Conecuh)	Randall
Carmichael	Horton	Martin	Slone
Craft	Howle	Middleton	Tunstall

—32.

Nays:—None.

The Resolution:

S. J. R. 46. Requiring the Legislative Code Committee to investigate the conditions of the Capitol building as to need of external or internal improvements.

Was read a third time at length and adopted.

Yeas, 32; Nays, 0.

*Nays:**Messrs:*

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Conecuh)	Powell
Carlton	Hildreth	Martin	Randall
Carmichael	Horton	Middleton	Slone
Craft	Howle	McNeil	Tunstall
Duncan	Hudgens	Nolen	Waddell

—32

Nays:—None.

RESOLUTIONS.

Mr. Martin offered the following Joint Resolution:

S. J. R. 56. Be it resolved by the Senate, the House Concurring, that when the two Houses adjourn today they adjourn to meet at 10 o'clock A. M. tomorrow, Wednesday, January 31, 1923.

Which was, under a suspension of the rules, adopted.

Mr. Martin of the Rules Committee offered the following Senate Resolution:

S. R. 57. Resolved that the following bill be made a continuing special order immediately after the reading of the Journal on the next legislative day:

By Mr. Foster (with amendment):

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Department.'"

Which was adopted and said Bill number C. 83, was made special continuing order immediately after the reading of the Journal on the next Legislative day.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House Bills:

By Mr. Bealle:

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under general or special laws of this State or that may hereafter be incorporated under general laws.

Also:

By Mr. Goodwyn:

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1,354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission.

And ordered same sent forthwith to the Senate without En-grossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees as follows:

H. 45, to the Committee on Judiciary.

H. 136, to the Committee on Commerce and Common Carriers.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars, (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

And ordered same sent forthwith to the Senate without engrossment with notice and proof attached and herewith exhibited as follows:

NOTICE.

A bill will be introduced in the Legislature when it convenes in January, 1923, for the relief of W. E. Gamble, Sheriff of Dale county, for the sum of four hundred and fifty-four dollars and five cents (\$454.05) said amount being for telephone and stamps and ex-officio fees as allowed by an act of the 1919 Legislature, said amount of stamps and telephone bill

having been paid by him while serving as sheriff of Dale county, said amount to be paid out of the general funds of Dale County upon a warrant issued in favor of the said W. E. Gamble, by the Probate Judge of Dale County.

The State of Alabama, }
Dale County. }

Before me, Alma Holmes, a Notary Public with seal of office in and for said county, personally appeared J. Q. Adams, Editor of The Southern Star, a newspaper published weekly at Ozark, Dale County, Alabama, who being first duly sworn deposes and says that the attached typed notice was published in said paper for three consecutive weeks, beginning with its issue of the 20th day of December, 1922, and including its issues of December 27, 1922, and January 4, 1923.

Sworn to and subscribed before me this the 22nd day of January, 1923.
J. Q. Adams.
Alma Holmes,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 155, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 56 relative to adjournment today until tomorrow at 10 o'clock.

And returns some to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate Amendment to the Bill:

H. 5. To amend Section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

J. H. Stewart,
Clerk.

BILLS ON THIRD READING RESUMED.

The Bill:

S. 2. To repeal section 2069 of the Code of Alabama of 1907. Was ordered engrossed and read a third time.

Mr. Carlton moved that the vote by which said Bill was ordered to an engrossment and third reading be reconsidered.

Mr. Adams moved that the motion of Mr. Carlton be laid on the table, which motion prevailed, and the motion of Mr. Carlton was tabled.

Yeas, 25; Nays, 7.

Yeas:

Messrs:

Adams	Garth	Inzer	Nolen
Brower	Griffith	Johnson	Pelham
Caffey	Horton	Jones (Barbour)	Powell
Carmichael	Howle	Martin	Randall
Duncan	Hudgens	Middleton	Slone
Ellis	Hutson	McNeil	Waddell
Foster			

—25

Nays:

Messrs:

Bonner	Carlton	Jones (Conecuh)	Overton
Brooks	Hildreth	Oliver	

—7

Said Bill was then put upon its passage and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 7.

Yeas:

Messrs:

Adams	Garth	Inzer	McNeil
Brower	Griffith	Johnson	Nolen
Caffey	Horton	Jones (Barbour)	Pelham
Carmichael	Howle	Jones (Conecuh)	Powell
Duncan	Hudgens	Martin	Randall
Ellis	Hutson	Middleton	Slone
Foster			

—25

Nays:

Messrs:

Bonner	Carlton	Oliver	Waddell
Brooks	Hildreth	Overton	

—7

The Bill:

S. 92. To establish the State Board of Convict Supervisors, in lieu of the State Board of Control and Economy and the State Warden General and the State Board of Convict Inspectors, and to confer authority and power upon, and to prescribe the duties of, the said Board of Convict Supervisors and its

members, to fix the terms of their office, salaries, compensation and the mode of payment.

Was taken up.

Mr. Foster offered the following substitute for said bill, to-wit:

SUBSTITUTE FOR S. 92, BY MR. FOSTER.

A bill to be entitled an Act To amend an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to proscribe rules and regulations governing the said Board", approved February 13, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," approved February 13, 1919, be amended so as to read as follows:

Section 1. The Board heretofore known and called "State Board of Control and Economy" shall from and after the passage of this act be known and called "State Board of Convict Supervisors."

Section 2. The powers, duties, jurisdiction and obligations now conferred upon the said State Board of Control and Economy and upon the Board of Convict Inspectors and upon the President of the Board of Convict Inspectors are hereby conferred upon the State Board of Convict Supervisors, subject, however, to the provisions and limitations of this act.

Section 3. That the State Board of Convict Supervisors shall consist of two members to be appointed by the Governor, one of whom the Governor shall designate as President and the other as Associate Member. The members of the Board shall hold office at the will of the Governor and be subject to removal by him at his discretion when, in his opinion, the public good requires it. In case of a vacancy on the Board, from any cause whatsoever, the Governor shall appoint another President or Associate Member of the Board, as the case may require. The salary of the President of said Board shall be fixed by the Governor at an amount not exceeding \$6,000.00 per annum, and the salary of the Associate Member of the Board shall be fixed by the Governor at an amount not exceeding \$5,000.00 per annum, to be paid in monthly installments, as other officers of the State are paid, and as now provided by law.

Section 4. That each member of the Board shall give bond in the sum of Twenty-Five Thousand Dollars (\$25,000) payable to the State of Alabama, conditioned faithfully to perform his

official duties and account for all moneys and properties coming into his hands by virtue of his office. The bond shall be executed by an authorized surety company, and must be approved by the Governor. The premium on the bond shall be paid by the State. Each member of the Board shall devote his whole time to his official duties and shall hold no other lucrative position while a member of the Board of Convict Supervisors.

Section 5. That the terms "the Board" or "The Board of Convict Supervisors" when used in this act shall mean the State Board of Convict Supervisors, hereinabove named.

Section 6. That the Governor shall set apart in the Capitol, or at some other place at the seat of Government, suitable quarters for the offices of the State Board of Convict Supervisors and its employees. The Board of Convict Supervisors shall hold regular monthly meetings at the office of the President thereof, at such time or times as may be fixed by them, and other meetings may be called at the pleasure of the President.

Section 7. That the State Board of Convict Supervisors, under the direction and control of the Governor, shall have the charge, management and operation of the convict system of the State, and shall have power, with the approval of the Governor, to make all necessary rules and regulations for its own government and for the working and the management of the convicts of the State and all matters incident thereto. The State Prison Inspector shall henceforth discharge the duties of his office in connection with and under the direction of and as a part of the work of the State Board of Convict Supervisors, which is hereby vested, with the approval of the Governor, with authority and power to extend the work and duties of his office, his functions and activities to all penal, charitable, and eleemosynary institutions placed by this Act under the control of the State Board of Convict Supervisors. The State Board of Convict Supervisors is hereby vested with the power and authority to establish and promulgate rules and regulations for the proper conduct or co-ordination of the work and operations of the State Prison Inspector's office, subject to the approval of the Governor. The State Prison Inspector may be removed by the Governor at his discretion, whenever he may deem it best for the public interest.

Section 8. That the State Board of Convict Supervisors is also vested with the power and authority to make such changes in the existing arrangements with reference to the segregation and treatment of tubercular patients, and other patients needing long time hospital detention and care, who are serving sentences for conviction of crime, so as to permit such patients to be transferred to the custody and care of those officers and agents who have the charge and control of the detention hospi-

tal or hospitals of the State Convict system; the agents in charge of such hospital or hospitals during the period of the treatment of such convict patients are hereby constituted the legal custodians of such convicts. Any such hospital or hospitals, or other place suitable and used under the convict system for the segregation and treatment of tubercular or long time patients, may be opened under the authority of the State Board of Convict Supervisors and may be used for the segregation, treatment, and care of other inmates afflicted with tuberculosis or other diseases or ailments requiring long time detention, treatment and care, and who may be received from any other institution covered by this Act, or from any hospital or other duly accredited and responsible institution in the State with which the State Board of Convict Supervisors may co-operate in the matter of the treatment or care of such patients; provided that there shall be proper separation of convicts from free persons, whites from blacks, males from females, in such hospital or place of detention. The Board is hereby given general authority over the reception, care, custody and segregation of such persons, and is also vested with the power and authority, by and with the approval of the Governor, to establish and promulgate rules and regulations for the proper conduct of the business and operation of such hospitals and places of detention, except as may be otherwise provided by this Act.

Section 9. That the Board of Convict Supervisors shall keep in its office a complete system of books and accounts with all institutions over which it has supervision, showing every expenditure authorized and made therefor, and containing a separate account of every appropriation made by the Legislature therefor and every expenditure therefrom; and shall also keep books and accounts showing all revenues and receipts derived from every source, and showing separately the revenues from each institution, activity or plant controlled or operated by the Board of Convict Supervisors.

Section 10. That the Board of Convict Supervisors shall ~~require its officers and employees and those of institutions~~ under its charge or control, who may be charged with the handling of any public moneys, to give bond to the State in a sum to be prescribed by the Board, conditioned faithfully to account for all moneys and to disburse the same according to law, the bonds to be signed by an approved surety company, and to be approved by the President of the Board of Convict Supervisors. The premiums on the bonds shall be paid by the State.

Section 11. That every member, agent or employe of the Board who shall necessarily travel on official business shall be paid the actual expenses for travel by the nearest practicable

routes, but no expenses for travel to other States shall be incurred by any of said persons unless authority therefor be first granted by resolutions of the Board of Convict Supervisors containing the reasons and purpose of the trip, upon which the Governor has endorsed his approval. Before any member, officer, agent or employe of the Board shall be paid any expense account, or be reimbursed any money claimed to have been expended in the performance of his duties, a statement showing the items thereof, verified by affidavit of the claimant that the bill is just, accurate and true and is for cash expenditures actually made, and that the money has been disbursed legally, and that the items claimed were necessary and were actually paid out and disbursed by the party claiming from the State, shall be presented to and approved by the Governor, and then presented to the State Auditor.

Section 12. That the Board may adopt rules and regulations, with the approval of the Governor, for conducting its business and may define the duties of and rules for the government of officers and employes of the institutions under its control, as well as those of its own officers and employes, not conflicting with this Act. All contracts of the Board shall be in writing, signed for the Board by the President. The Board, with the approval of the Governor, may prescribe rules and regulations for emergency purchases without advertisement for bids.

Section 13. That the President of the State Board of Convict Supervisors is hereby authorized and empowered, by and with the approval of the Governor, to make and enter into all contracts necessary to the efficient management of the business of the department, and such President is hereby authorized and empowered, by and with the approval of the Governor, to prescribe and employ the subordinate officers, assistants and employees necessary for the proper conduct and operation of the Convict Department, to prescribe their duties and to fix their salaries or compensation, which shall be done in writing, signed by the President of the Board and approved by the Governor, and recorded in the office of the State Board of Convict Supervisors, in a well bound volume kept for that purpose, where shall, also, be stated the amount of salary or compensation to be paid each such subordinate or employe. Such subordinate officers, assistants and employees shall be appointed by the President of the Board with the approval of the Governor. The said officers, assistants and employees shall be subject to removal by the Governor, and their salaries or compensation shall be paid out of funds of the Convict Department, as salaries of officers and employes of the Convict Department have heretofore been paid. There is hereby appropriated an amount suf-

ficient to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this Act.

Section 14. That the Board of Convict Supervisors shall purchase all supplies for all departments and activities of the State, except educational, charitable and eleemosynary institutions governed by their own board of trustees or managers, under rules and regulations which the Board may adopt, with the approval of the Governor, and which rules, among other things, shall require advertisements for written bids and allow opportunity for competition among bidders, and the award of contracts to the lowest responsible bidder, and shall prescribe requirements to be observed by successful bidders to secure compliance with their bids, and may require successful bidders to give bond, with duly authorized surety companies as surety to secure performance of contracts under regulations which the Board, with the approval of the Governor, may prescribe.

Section 15. That when the head of any department of the State shall desire any office supplies or materials or other articles of use or necessity, written application shall be made therefor to the State Board of Convict Supervisors, sworn to and stating by items the articles desired and needed, showing out of what fund they are to be paid, that the articles are necessary, that the amount of the requisition is not excessive, and that no part of the same will be used except in conducting the public business, and such application shall be kept on file in the office of the Board of Convict Supervisors.

Section 16. That the Board of Convict Supervisors shall, with the approval of the Governor, make and prescribe rules and regulations governing the determination as to whether or not articles requested shall be purchased by the Board, and, with the approval of the Governor, shall also make and prescribe regulations governing the purchase by the Board, advertising for bids, opening of bids and acceptance thereof, but the Board shall not purchase any supplies from any person, firm or corporation to whom, or to any of the officers or agents of which, any member of the Board is related in any manner or form, or any firm or corporation in which any member of the Board has any pecuniary interest.

Section 17. That the Board of Convict Supervisors shall keep in its office complete records of all requisitions, bids, correspondence and other papers of the Board of Convict Supervisors, or of its members, relating to official business, and of subordinates, employes or agents of the Board relating to its business, and of all proceedings of the Board, which are hereby declared to be public records and shall be carefully preserved and be at all reasonable times during office hours open to the inspection of any officer or citizen of the State who may be allowed to make copies thereof.

Section 18. That the Board of Convict Supervisors shall keep on file in its office an inventory of all office furniture, fixtures and supplies of any nature of all offices, departments, commissions, bureaus and boards of the State, and of changes made in the offices thereof in the State Capitol in respect to office furniture, fixtures, and supplies, which inventory must be made and filed by the Board before the first day of January of each year, and when filed some employe or agent of the Board of Convict Supervisors designated for that purpose shall annually go into each office and check up all articles and supplies of every kind in each office, not including books in libraries, and shall compare such inventory with the one filed the preceding year, and the Board shall require a strict account from every head of department, office, commission, bureau or board of any discrepancy between such inventories. If the explanation is not satisfactory, the Board shall report the fact to the Governor for such action as the case may call for. If any officer of the State thinks best to sell any furniture or other articles in his office or department, he shall give notice of such desire, in writing, to the Board of Convict Supervisors, with an itemized list of the articles and reasons for selling, and, if in the opinion of the Board of Convict Supervisors and the Governor, it is desirable that such articles be sold, they shall be sold by the Board of Convict Supervisors, which, with the approval of the Governor, may prescribe rules and regulations to secure the best price for the State and the faithful accounting to the State for the proceeds of sale.

Section 19. That the State Board of Convict Supervisors is hereby vested with control and authority over, and is hereby charged with the duty of providing for the public printing and binding designated in said subject to the limitations of Section 69 of the State Constitution, and more particularly set forth in Sections 1647 and 1648 of Chapter 40, Political Code. Section 578 of Chapter 19. Article 2, and Sections 1649 to 1655, inclusive, and Sections 1657, 1658, 1660, and 1662 of said Chapter 40, of the Political Code, are hereby repealed. The State Board of Convict Supervisors in each October next before the meeting of the Legislature, by circulars addressed to each daily newspaper in this State, shall invite bids for publication in such paper of the laws of a general and public nature having effect in every county and upon all the people of the State, which may be enacted by the next Legislature, and may accept the proposal of the lowest and most responsible bidder for making such publication and enter into contract with such bidder against the meeting of the Legislature. In determining which bid to accept, the State Board of Convict Supervisors may take into consideration the circulation of the newspaper published by the bid-

der; but no bid in excess of a maximum price or rate to be fixed by the State Board of Convict Supervisors in the circulars inviting bids shall be considered. The State Board of Convict Supervisors is hereby vested with the power and authority to establish and promulgate rules and regulations for the proper conduct of the business and duties imposed upon the Board by this Section.

Section 20. That the care, custody, equipment, repairing, insurance, inventorying and accounting for all property of the State, except the property of educational, charitable and eleemosynary institutions, which are under the management of their own board of trustees or managers, shall be in charge of the State Board of Convict Supervisors, which is hereby vested with the authority to promulgate rules and regulations, with the approval of the Governor, for the proper conduct of the business and duties conferred by this Section.

Section 21. That the Board shall annually make and file in the office of the Governor a report of the results of its operations and the conduct of its business in the exercise of the powers granted it, and shall also report to the governor, within ten days before the beginning of each regular session of the Legislature, all such matters as may be required by the Governor to be included in such report, and it shall be the duty of the Governor to inform the Legislature at the beginning of each regular session of the contents of such reports. All records of the Board shall be open at reasonable times to the inspection of the public.

Section 22. The Board of Convict Supervisors, shall, with the approval of the Governor, make and prescribe rules and regulations requiring all the State, educational, charitable and eleemosynary institutions to file with the Board of Convict Supervisors, quarterly, full and detailed reports showing the amount of moneys spent for the purchase of supplies, equipment and material of every kind, for all buildings and repairs and upkeep and insurance; such detailed reports shall be made quarterly to the Board of Convict Supervisors by the president or superintendent of each such institution, within ten days after the first day of January, April, July and October of each year, and at such other times as may be required by the State Board of Convict Supervisors, with the approval of the Governor.

Section 23. The State Board of Convict Supervisors, when requested by the Governor, his private secretary, the Secretary of State, or any other officer or agency authorized to make contracts for the purchase of supplies or material for the State, or any of its educational, charitable or eleemosynary institutions, furnish the officer or agency so making the request with any data or information which this Board may have in its pos-

session that would aid or be of assistance in purchasing any supplies of material for the State or any of its institutions, and shall render any aid or assistance which it can in making contracts for the purchase or in purchasing any supplies or materials which the State or any of its institutions may need or require.

Section 24. The State Board of Control and Economy, and the State Warden General, immediately after the approval of this Act, shall deliver all books, records, papers and data, or other property of the State, or its institutions or agencies, now in its or his possession and control, to the State Board of Convict Supervisors.

Section 25. That any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00), and may also be imprisoned in the county jail or sentenced to hard labor for a term not exceeding six months, in the discretion of the judge trying the case.

Section 26. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 27. That this Act shall be effective upon its approval by the Governor.

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Jones (Conecuh)	Pelham
Bonner	Foster	Martin	Powell
Brooks	Garth	McNeil	Randall
Caffey	Hildreth	Nolen	Slone
Carlton	Horton	Oliver	Tunstall
Carmichael	Inzer	Overton	Waddell
Duncan	Jones (Barbour)		

—26

Nays:—None.

And said Bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Overton
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Powell
Caffey	Hildreth	Jones (Conecuh)	Randall
Carlton	Horton	Martin	Slone
Carmichael	Howle	McNeil	Tunstall
Duncan	Hudgens	Nolen	Waddell

—32

Nays:—None.

The Bill:

S. 103. To repeal an Act approved September 30, 1920, entitled, "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled, "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board", approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Inzer	Overton
Bonner	Garth	Johnson	Pelham
Brooks	Griffith	Jones (Barbour)	Powell
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Slone
Carlton	Howle	McNeil	Tunstall
Carmichael	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—31

Nays:—None.

The Bill:

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature, approved February 13, 1919; to abolish, the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy: To confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing

of supplies of the public printing, and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages, and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Messrs:

Yeas:

Adams	Foster	Johnson	Oliver
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Hildreth	Jones (Conecuh)	Powell
Brower	Howle	Martin	Randall
Caffey	Hudgens	Middleton	Slonge
Carlton	Hutson	McNeil	Tunstall
Carmichael	Inzer	Nolen	Waddell
Duncan			

—29

Nays:—None.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill, respectively, and find same correctly engrossed, to-wit:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties." Approved September 22, 1915.

J. E. Middleton,
Chairman.

By E.C.T.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate Bill:

S. 9. To amend section 6032 of the Code of Alabama.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 5:45 P. M. on motion of Mr. Pelham the Senate adjourned until 10:00 o'clock tomorrow morning.

ELEVENTH DAY.

Wednesday, January 31st, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Mr. Adams of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

JOURNAL.

On motion of Mr. Waddell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

SPECIAL ORDER.

The Senate proceeded to consider the Special Order for this hour, which was the bill:

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners. To regulate the duties and compensation of such officials, and to provide clerical help for said Department.'"

The Committee on Finance and Taxation offered the following amendment to said bill, to-wit:

Amend the bill by striking out the next to last paragraph thereof.

Which was adopted.

Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Oliver
Brooks	Foster	Johnson	Overton
Brower	Griffith	Jones (Barbour)	Pelham
Caffey	Hildreth	Jones (Conecuh)	Powell
Carlton	Horton	Martin	Randall
Carmichael	Howle	Middleton	Slone
Craft	Hudgens	McNeil	Teasley
Duncan	Hutson	Nolen	Waddell

—32

Nays:—None.

Mr. Jones of Barbour, offered the following amendment to said bill, to-wit:

Amend Senate Bill 83 by inserting the words "not over ten assistants" where the words "not over seventeen assistants" appear.

Mr. Brooks moved that the amendment offered by Mr. Jones of Barbour be laid on the table, which motion prevailed and said amendment was tabled.

Yeas, 28; Nays, 3.

Yeas:

Messrs:

Adams	Duncan	Hutson	Overton
Brooks	Ellis	Inzer	Powell
Brower	Foster	Martin	Randall
Caffey	Griffith	Middleton	Slone
Carlton	Hildreth	McNeil	Teasley
Carmichael	Horton	Nolen	Tunstall
Craft	Hudgens	Oliver	Waddell

—28

Nays:

Messrs:

Johnson	Jones (Barbour)	Pelham
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—3

And said bill, as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 2.

Yeas:

Messrs:

Adams	Caffey	Craft	Foster
Brooks	Carlton	Duncan	Garth
Brower	Carmichael	Ellis	Griffith

Hildreth	Johnson	Nolen	Randall
Horton	Martin	Oliver	Slone
Hudgens	Middleton	Overton	Teasley
Hutson	McNeil	Powell	Tunstall
Inzer			

—29

*Nays:**Messrs:*

Jones (Barbour) Pelham

—2

BILL WITHDRAWN AND REFERRED.**On motion of Mr. Brower the Bill:**

S. 68. To define, regulate and license real estate brokers and real estate salesman; to create a State Real Estate Commission; and to provide a penalty for a violation of the provisions hereof.

Was withdrawn from the Committee on Finance and Taxation and re-referred by the President of the Senate to the Standing Committee on Revision of Laws.

Yeas, 27; Nays, 0.

*Yeas:**Messrs:*

Adams	Duncan	Hutson	Oliver
Bonner	Ellis	Inzer	Pelham
Brooks	Foster	Johnson	Powell
Caffey	Garth	Jones (Barbour)	Slone
Carlton	Griffith	Martin	Tunstall
Carmichael	Hildreth	McNeil	Waddell
Craft	Hudgens	Nolen	

—27

Nays:—None.**INTRODUCTION OF BILLS.**

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Johnson:

S. 139. To provide for one and only one County Registrar of electors, and Deputy County Registrars of electors in each of the several counties of Alabama; to confer upon said County Registrars and upon their Deputies all the duties and powers of Boards of Registration; to abolish all Boards of Registration; and to fix the compensation of said Registrars and their Deputies, and the time of their service; and to appropriate the money therefor.

Privileges and Elections.**By Mr. Overton:**

S. 140. To require all city and town governing authorities to make and publish annually in some newspaper published in their respective towns or cities, a report of all tax returns made

in said town or city, specifying the names of persons making returns, and all property returned by them, both real and personal; to provide payment for said publications; and to provide penalties for the violation of this act.

Finance and Taxation.

By Mr. Foster:

S. 141. To amend an Act entitled "An Act to amend section 3485 of the Code of Alabama of 1907", approved September 25, 1915.

Revision of Laws.

By Mr. Horton:

S. 142. To amend sections 2038 and 2039 of the Code of Alabama.

Military.

By Mr. Brower:

S. 143. To define and protect against fraudulent conveyances and to make uniform the law relating thereto.

Judiciary.

By Mr. Teasley:

S. 144. To define liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto.

Judiciary.

By Mr. Teasley:

S. 145. To make uniform the law of Sales of Goods.

Judiciary.

By Mr. Pelham (by Request):

S. 146. To amend Section 2044 of the Code of Alabama.

Revision of Laws.

By Mr. Randall:

S. 147. To provide for an Alabama Confederate Monument at Gettysburg.

Military.

By Mr. Garth:

S. 148. To provide and create a commission form of government and to adopt the same in all cities in the State of Alabama, which now have or which may hereafter have a population of more than eight thousand and not more than ten thousand people according to the last Federal census, or any Federal census which may hereafter be taken; to regulate the selection and election and appointment of commissioners and fix their term of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise to provide for the creation and maintenance of said commission form of government; and the impeachment of said commissioners.

Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft. (With Substitute):

S. 60. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

By Mr. Goode:

H. 82. To make an appropriation for tick eradication.

By Mr. Long:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjusters and Board of County Tax Adjusters.

Mr. O'Neill, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hutson. (With Amendment):

S. 11. To authorize and empower the Council of Cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve Post Office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Mr. Garth, Chairman of the Standing Committee on Agriculture reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 16. Resolved, 1. That a joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate, to be appointed by the President of the Senate and three members from the House, to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of educational matters.

2. It shall be the duty of the committee to investigate the educational institutions and educational system of the State of Alabama, and to secure information and facts necessary to enable such committee to suggest such changes relative to educational matters in Alabama as is necessary to secure a practical and efficient educational system.

3. The members of the committee shall be paid the same per diem and mileage as provided by the present Legislature for recess committees and shall have authority to visit such educational institutions of the State as it deems necessary for a proper investigation of educational affairs; said committee shall also have authority to employ one clerk or stenographer who shall receive such compensation as may be agreed by the chairman of said recess committee and the Governor of the State of Alabama. The Committee shall also have power to summon witnesses to examine the books and papers of teachers, the educational department and educational institutions and shall have such other power as may be necessary to make a full, complete and detailed investigation of educational matters in the State of Alabama.

4. It shall be the further duty of said committee to consider all bills and resolutions introduced into the Legislature in reference to educational matters in the State of Alabama and to submit a recommendation as to what action should be taken thereon, in view of the facts and informations secured by said committee by reason of its investigation.

5. The committee is hereby directed and required to make a full and detailed report of its investigations and findings to the Legislature, together with such suggested bills and resolutions as the committee may consider proper for the best interest of the educational system and the educational institutions of the State of Alabama. The committee may cause its report with the consent of the Governor to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Johnson	Overton
Bonner	Foster	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Middleton	Randall
Caffey	Horton	McNeil	Slone
Carlton	Hutson	Nolen	Teasley
Carmichael	Inzer	Oliver	Tunstall
Craft			

—29

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Coleman:

H. J. R. 27. Whereas, there lives within the borders of the State of Alabama an illustrious Democrat, statesman and patriot, who is worthy any honor that could be bestowed upon him, either State or national.

Therefore, be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, that we do hereby endorse Honorable Oscar W. Underwood, of Birmingham, Alabama, as our choice for President of the United States and urge that he be made the standard bearer of the next Democratic National Convention.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Ellis, the rules were suspended and House Joint Resolution No. 27 set out in the foregoing message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate without engrossment:

By Mr. Glover:

H. 20. To repeal Section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

Also:

By Mr. Lewis Bowen:

H. 62. To amend an act approved September 5th, 1919, entitled "An act to further extend the power and authority of boards of revenue of counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

Also.

By Mr. Verner:

H. 177. To amend an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board", approved February 13, 1919.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees as follows:

H. 20 and H. 62, to Committee on Revision of Laws.

H. 177, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without En-grossment:

By Mr. Grove:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest-bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are

to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 133, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House Bill, your signature thereto is requested:

H. 5. To amend Section 8 of "An Act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing Message from the House.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 15. Resolved by the House, the Senate concurring, that, whereas, a vacancy has occurred in the office of Secretary of the Interior, under the National Government, and, whereas, the Honorable Alfred A. Taylor, Governor of the State of Tenn., whose term of office as such has just expired, has at all times manifested a keen interest in the development of our national resources and industries; and, whereas it is our judgment that, while Governor Taylor has been a life long republican, he is a broad-minded American, with a national scope of vision, and that he would administer with credit and satisfaction to every section of our country the duties of the office:

Therefore, be it resolved, that we respectfully commend to the President of the United States the Hon. Alfred A. Taylor for appointment to the office of Secretary of the Interior.

Be it further resolved that a copy of these resolutions be transmitted to the President of the United States.

Mr. Bonner moved that said resolution be laid on the table, which motion was lost.

Yeas, 9; Nays, 19.

Yeas:

Messrs:

Bonner	Craft	Jones (Barbour)	Overton
Brooks	Hildreth	Jones (Conecuh)	Randall
Carlton			

—9

Nays:

Messrs:

Adams	Griffith	Johnson	Powell
Carmichael	Horton	Martin	Slone
Duncan	Howle	McNeil	Tunstall
Foster	Hudgens	Oliver	Waddell
Garth	Inzer	Pelham	

—19

And the report from the Rules Committee was then adopted and said resolution concurred in and adopted by the Senate.

BILLS ON THIRD READING.

On motion of Mr. Inzer, the resolution:

S. J. R. 38. Creating a Joint recess committee consisting of two members from the Senate and three from the House, to sit during the recess for the consideration of educational matters.

Was postponed until the next Legislative day.

The Bill:

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

Was taken up.

Mr. Randall moved that the further consideration of said bill be indefinitely postponed.

Mr. Inzer moved that the motion of Mr. Randall be laid on the table, which motion prevailed, and the motion of Mr. Randall was tabled.

Yeas, 25; Nays, 10.

Yeas:

Messrs:

Brooks	Foster	Inzer	Overton
Brower	Griffith	Johnson	Powell
Carlton	Hildreth	Jones (Conecuh)	Slone
Carmichael	Horton	Middleton	Teasley
Craft	Hudgens	McNeil	Tunstall
Duncan	Hutson	Nolen	Waddell
Ellis			

—25

*Nays:**Messrs:*

Adams	Garth	Martin	Pelham
Bonner	Howle	Oliver	Randall
Caffey	Jones (Barbour)		

—10

Mr. Randall then moved that the further consideration of said bill be postponed until the 20th Legislative day.

Mr. Inzer moved that the motion of Mr. Randall be laid on the table, which motion prevailed, and the motion of Mr. Randall was tabled.

Yeas, 25; Nays, 10.

*Yeas:**Messrs:*

Adams	Ellis	Hutson	Nolen
Brooks	Foster	Inzer	Overton
Brower	Griffith	Jones (Conecuh)	Powell
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Hudgens	McNeil	Waddell
Duncan			

—25

*Nays:**Messrs:*

Bonner	Howle	Oliver	Randall
Caffey	Johnson	Pelham	Slone
Garth	Jones (Barbour)		

—10

The question then recurred on the engrossment and third reading of the bill, and said bill was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 11.

*Yeas:**Messrs:*

Adams	Duncan	Hudgens	Nolen
Brooks	Ellis	Hutson	Overton
Brower	Foster	Inzer	Powell
Carlton	Griffith	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Middleton	Tunstall
Craft	Horton	McNeil	Waddell

—24

*Nays:**Messrs:*

Bonner	Howle	Martin	Randall
Caffey	Johnson	Oliver	Slone
Garth	Jones (Barbour)	Pelham	

—11

RESOLUTION.

Mr. Foster offered the following Senate Resolution:
S. R. 58. Resolved that the Senate, immediately after fin-

ishing the call of the calendar this morning, recess until four o'clock this afternoon.

Which was, under a suspension of the rules, adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bill with the engrossed and original bill and find same correctly enrolled, to-wit:

S. 9. To Amend Section 6032 of the Code of Alabama.

C. R. Horton,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after the title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

BILLS ON THIRD READING RESUMED.

The Bill:

S. 95. To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Conecuh)	Randall
Brower	Griffith	Middleton	Slone
Caffey	Hildreth	McNeil	Teasley
Carlton	Horton	Nolen	Tunstall
Carmichael	Howle	Oliver	Waddell
Craft	Hutson		

—30

Nays:—None.

The Bill:

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of

more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Hudgens	Nolen
Bonner	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Conecuh)	Teasley
Carlton	Hildreth	Middleton	Waddell
Carmichael	Howle	McNeil	

—27

Nays:—None.

The Bill:

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hudgen	Nolen
Bonner	Foster	Hutson	Oliver
Brooks	Garth	Inzer	Overton
Brower	Griffith	Johnson	Pelham
Caffey	Hildreth	Jones (Conecuh)	Teasley
Carlton	Horton	Middleton	Tunstall
Carmichael	Howle	McNeil	Waddell
Craft			

—29

Nays:—None.

The Bill:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Nolen
Bonner	Foster	Inzer	Oliver
Brooks	Garth	Johnson	Overton
Brower	Griffith	Jones (Conecuh)	Pelham
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Waddell
Craft	Hudgens		

—30

Nays:—None.

The Bill:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

Was taken up.

On motion of Mr. Overton the further consideration of this bill was postponed until the afternoon session.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without Engrossment:

By Mr. Ware:

H. 139. To provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important Constitutional questions and

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 139, to the Committee on Judiciary.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported the following Joint Resolution:

S. J. R. 60. Be it resolved by the Senate, the House concurring, that in accordance with the recommendations of the Governor, the Budget Recess Committee heretofore created is hereby instructed and empowered to investigate the State Highway Department during the recess, and to call to sit with them

in said investigation a representative of the United States Government, and report the result back to the Senate and House at the adjourned session.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

Mr. Martin of the Rules Committee also reported the following Senate Resolution favorably, to-wit:

S. R. 61. Whereas, the Senate of Alabama has been invited to attend the dedication of the Veterans Bureau Hospital near Tuskegee, Alabama, on February 12, 1923, and whereas, the Senate will not be in session on said date,

Therefore, be it resolved that the Senate does hereby express its appreciation of said invitation and regret that the circumstances are such that it will be impossible for the Senate to attend in a body, and hereby extends its thanks for the invitation to Hon. R. E. Steiner, Department Commander of the American Legion and Hon. John H. Drakeford, as Chairman of the Reception committee for said occasion.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

RESOLUTION.

Mr. Brower offered the following Senate Resolution:

S. R. 62. Whereas, the Atlanta, Birmingham and Atlantic Railroad Company, which traverses several of the counties of the State, has failed or refused to pay its taxes, for the years 1921 and 1922 to the State and the several counties in the approximate amount of \$100,000.00, and

Whereas, no steps have been taken by the State Tax Commission of the State to enforce the payment of such taxes, past due and unpaid, and whereas, the homes and farms of some of our citizens have been sold for taxes, and the owners thereof, together with their wives and children have been turned out, and it appearing that the State and the several counties have been deprived of the use of these tax funds. Therefore, be it resolved by the Senate, that the Governor is hereby requested to furnish the Senate with all the facts pertaining to same, together with the Tax Commission's records in reference thereto, and specifically why these taxes have not been collected.

Which was read and referred to the Standing Committee on Rules.

SPECIAL ORDER SET.

On motion of Mr. Ellis, the bill:

H. 87. To regulate further the general revenue laws of the State so as to create a new State Tax Commission, and to abolish the tax adjusters and Boards of County Tax Adjusters.

Was made a Special, continuing order for the next legislative day, immediately after reading of the Journal.

RECESS.

At 12:30 P. M., on motion of Mr. Adams the Senate took a recess until 4:00 o'clock this afternoon.

AFTERNOON SESSION.

Wednesday, January 31st, 1923.

The Senate re-assembled at 4 o'clock P. M., Lieutenant-Governor McDowell presiding.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Teasley:

S. 149. To amend an act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act," approved September 17, 1919.

Revision of Laws.

By Mr. Foster (By Request):

S. 150. To provide for the support and maintenance of the Alabama Vocational School for Girls.

Finance and Taxation.

By Mr. Foster (By Request):

S. 151. To ratify and confirm the organization of the Mercy Home Industrial School for Girls, now known as the Alabama Vocational School for Girls, located at Birmingham, Alabama, as a corporation, and to provide for its government.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Brower. (With Amendment):

S. 112. To amend Sections 14, 15, 16, and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to Provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

By Mr. Hildreth. (With Amendment):

S. 55. To amend subdivision 5, of section 3052 of the Code, relating to the Jurisdiction of the Equity Courts.

By Mr. Craft. (With Amendment):

S. 57. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay, stream or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

By Mr. Martin:

S. 133. To authorize the increase of the capital stock or shares of Building and Loan Associations organized under the laws of this State.

Mr. McNeil, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Waddell:

S. 130. To amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of Section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred

thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty, to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minors children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act' approved September 28, 1915."

Mr. Carlton, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in Session, had acted on the following bills and ordered same returned

to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

By Mr. Teasley:

S. 99. To amend Section 7 of an act "to regulate elections: To provide for the registration and furnishing of a list of qualified electors to the election Inspectors." Approved October 2nd, 1920.

Mr. Oliver, Chairman of the Standing Committee on Commerce and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Overton:

S. 126. To permit newspaper editors, publishers and employees of newspapers to accept free transportation from railroads and other common carriers in exchange for space and advertisements in their newspapers and to permit the free use of such railroad transportation on railroads and other common carriers by the editors, publishers and employees of newspapers holding the same.

By Mr. Goodwyn:

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1,354.78 for services rendered by him as Rate Clerk for the Alabama Public Service Commission.

Mr. Brooks, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sollie:

H. 155. To appropriate out of the general funds of Dale County and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars, (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919, and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

By Mr. Garth:

S. 91. To amend Section 1, of "An Act to provide for the institution and prosecution of misdemeanors in the Circuit Court of Madison County, otherwise than by indictment by the grand jury," approved February 11, 1919.

By Mr. Garth:

S. 108. To amend the caption and Sections 3, 7, 10, 11, 18, 23 and 24 of an act approved April 4, 1911, entitled "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace, and Notaries Public with the power of the Justices of the Peace, in said Precinct to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court, and the Judge thereof."

By Mr. Wall:

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a County Engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

By Mr. Henley:

H. 10. To validate the levy of the five mill County tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

By Mr. Sessions:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

By Mr. Fite:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street now known as 68th Street, and Second Street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Underwood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn and by the East Lake Land Company's map of its survey of East Lake; and to provide that

after such vacation the lands embraced therein shall vest in the abutting property owners.

By Mr. Pickens:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6 in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public ex-officio Justice of the Peace therein to be called the Inferior Court of York.

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Griffith:

S. 138. To prohibit the operation for hire or reward of pool tables, pin pool tables, billiard tables, or tables on which games of like kind are played in the State of Alabama, and to provide for the enforcement thereof.

ADVERSE REPORTS.

Mr. Bonner, Chairman of the Standing Committee on Temperance reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Griffith:

S. 65. To amend Section 2 of an Act entitled "An Act to designate the persons who are authorized to purchase, have shipped from outside of the State, receive, accept delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State," approved September 30, 1919,

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House Joint Resolution:

By Mr. Long:

H. J. R. 36. Resolved, by the House, the Senate concurring, that when the two Houses adjourn today they adjourn until Friday, Feby. 2nd at 10 o'clock A. M.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, House Joint Resolution No. 36 set out in the foregoing message from the House, was concurred in and adopted.

RESOLUTION.

Mr. Craft offered the following Senate Resolution; which was read and referred to the Standing Committee on Rules, to-wit:

S. R. 63. Whereas, the people of the State of Alabama, by an overwhelming majority voted to amend Section Ninety-three (93) of the Constitution of Alabama, to permit the State of Alabama to engage in work of developing its seaport at a cost of not exceeding ten million dollars, and

Whereas, this matter is of such vast importance to the people of Alabama, that the needs of seaport legislation should be studied and prepared by a committee separate and apart from the committees that now governs the House of Representatives and Senate.

Now, therefore, Be it resolved by the Senate of Alabama that a committee be created from the members of the Senate to be known as "Rivers and Harbors Committee", to be composed of 7 members of the Senate to be selected by the President of the Senate, who shall also name one of the members to act as chairman of said committee.

UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was the bill:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

Said bill was read a third time at length and passed.

Yeas, 26; Nays, 8.

Yeas:

Messrs:

Bonner	Duncan	Jones (Barbour)	Powell
Brooks	Ellis	Jones (Conecuh)	Randall
Brower	Garth	McNeil	Slone
Caffey	Hildreth	Nolen	Teasley
Carlton	Horton	Oliver	Tunstall
Carmichael	Hudgens	Overton	Waddell
Craft	Inzer		

—26

Nays:

Messrs:

Adams	Howle	Johnson	Middleton
Griffith	Hutson	Martin	Pelham

—8

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Ashcraft of Lauderdale:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 163. To the Committee on Finance and Taxation.

AUDITOR'S REPORT—AND ORDER TO PRINT.

The Senate received the following report from the State Auditor, heretofore requested under Senate Resolution No. 49, and on motion of Mr. Jones of Barbour, the reading of said report was dispensed with and 500 copies of same ordered printed for the use of the Senate.

OFFICE OF THE STATE AUDITOR.

STATEMENT SHOWING CASH IN TREASURY TO THE CREDIT OF THE GENERAL FUND, AND TO THE HIGHWAY FUND, GENERAL OUTSTANDING WARRANTS, OUTSTANDING HIGHWAY WARRANTS, AMOUNTS DUE THE TRUST FUNDS OF THE STATE, AND THE AMOUNT OVERDRAFT OF THE HIGHWAY MONEY OTHER THAN THAT FOR BONDS SOLD HAD BEEN DRAWN FROM THE TREASURY AND SET ASIDE IN BANKS FOR HIGHWAY PURPOSES.

(At the Opening of Business on Dates Shown.)

	Oct. 1, 1922	Oct. 15, 1922	Nov. 1, 1922	Nov. 15, 1922	Dec. 1, 1922	Dec. 15, 1922	Jan. 1, 1923
Highway Bond Fund							
Money	\$ 390,368.42	\$ 141,638.06	\$ 200,726.04	\$ 156,561.07	\$ 488,713.16	\$ 132,632.98	\$ 91,018.92
General Cash	426,780.22	121,424.31	80,278.44	367,842.11	144,619.38	484,025.50	234,472.63
Total Cash on Hand	\$ 817,148.64	\$ 263,062.37	\$ 281,004.48	\$ 524,403.18	\$ 633,332.54	\$ 616,658.48	\$ 325,481.55
Highway Warrants							
Outstanding	0.00	30,153.00	6,579.10	29,171.58	6,579.10	49,926.44	0.00
General Warrants							
Outstanding	255,887.60	214,176.98	1,578,309.15	537,399.04	1,200,655.08	1,182,479.87	1,485,004.26
Total Warrants							
Outstanding	\$ 255,887.60	\$ 244,329.98	\$ 1,584,888.25	\$ 566,570.62	\$ 1,207,234.18	\$ 1,232,406.31	\$ 1,485,004.26
<i>Amounts due Trust Funds:</i>							
United Daughters of							
Confederacy	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
U. S. Forest Reserve	681.29	681.29	681.29	681.29	681.29	681.29	681.29
Game and Fish Department	108,272.34	108,030.44	107,734.23	122,050.23	124,909.80	138,081.07	137,989.36
Industrial Rehabilitation—Federal Fund	14,862.70	14,755.95	13,815.10	13,643.81	12,399.96	12,125.59	11,168.80
Markets Produce Bureau	510.09	510.09	510.09	440.95	440.95	394.61	394.61
Oyster Protection Fund	3,384.49	3,771.15	3,719.66	3,417.44	4,077.66	4,294.67	4,265.57

OFFICE OF THE STATE AUDITOR—Continued

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JOURNAL OF THE SENATE, 1923.

	Oct. 1, 1922	Oct. 15, 1922	Nov. 1, 1922	Nov. 15, 1922	Dec. 1, 1922	Dec. 15, 1922	Jan. 1, 1923
Pure Food and Drug Department	287,328.71	289,781.71	293,420.59	296,558.59	298,539.62	300,830.64	302,914.55
Two and Three Per Cent Fund	1,895.93	1,895.93	1,895.93	1,895.93	1,895.93	1,895.93	1,895.93
Vocational Education—Federal Fund	6,576.86	6,431.03	22,738.90	22,581.32	20,134.49	18,927.51	18,382.02
Social Hygiene Board	190.96	190.96	1,098.73	1,086.49	796.49	796.49	506.49
Board of Maternity and Infant Hygiene—Federal Fund	13,363.74	13,363.74	9,709.60	9,178.05	8,025.62	7,772.44	4,429.22
State Highway Department. (Bond fund not included)	1,483,044.39	not shown	1,492,184.18	not shown	2,095,664.38	not shown	2,229,866.32
TOTALS	\$ 1,921,361.50		\$ 1,948,758.30		\$ 2,568,816.19		\$ 2,713,744.16

NOTE: The trust funds on which the State pays an annual interest only are not included in the above.

If the Auto License money and other highway funds not including the Bond Money, had been drawn from the Treasury and set aside in banks there would have been a deficit on the dates shown:

	Oct. 1, 1922	Nov. 1, 1922	Dec. 1, 1922	Jan. 1, 1923
Cash	817,148.64	\$ 281,004.48	\$ 633,332.54	\$ 325,481.55
Unpaid Warrants	255,887.60	1,584,888.25	1,207,234.18	1,485,004.26
Due Highways	561,261.04 1,483,044.39	1,303,883.77 1,492,184.18	573,901.64 2,095,664.38	1,159,522.71 2,229,866.32
Deficit	\$ 921,783.35	\$ 2,796,067.95	\$ 2,669,566.02	\$ 3,389,389.03

Dated: January 30, 1923,

W. B. ALLGOOD,
State Auditor.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

Also:

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Pursuant to notice heretofore given, Mr. Craft moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

S. 87. To require all motor drivers in Alabama to stop on reaching any railroad, interurban car track, tram road track or other similar crossings, in rural districts, and to provide penalties of any violation thereof.

Which motion was lost.

Yeas, 7; Nays, 22.

Yeas:

Messrs:

Craft	Howle	Pelham	Waddell
Griffith	Hudgens	Randall	—7

Nays:

Messrs:

Bonner	Ellis	Inzer	Nolen
Brooks	Foster	Johnson	Oliver
Brower	Garth	Martin	Overton
Caffey	Hildreth	Middleton	Slone
Carlton	Horton	McNeil	Tunstall
Duncan	Hutson		—22

ADJOURNMENT.

At 4:30 P. M., on motion of Mr. Hildreth and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until 10:00 o'clock Friday morning, February 2, 1923.

TWELFTH DAY.

Friday, February 2nd, 1923.

The Senate met pursuant to adjournment, Lieutenant-Governor McDowell presiding.

PRAYER.

By Mr. Pelham of the Senate.

ROLL CALL.

Present:

Mr. President and
Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

JOURNAL.

On motion of Mr. Adams, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

SPECIAL ORDER.

The Senate proceeded to consider the Special Order for this hour, which was the bill:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjusters and boards of county tax adjusters.

Mr. Teasley offered the following amendment to said bill:

Amend the bill by striking out the word "four" where it appears in section 1 and insert the word "two."

Mr. Adams moved to table the amendment offered by Mr. Teasley, which motion prevailed and said amendment was laid on the table.

Yeas, 30; Nays, 4.

Yeas:

Messrs:

Adams	Carlton	Ellis	Horton
Brooks	Carmichael	Foster	Hudgens
Brower	Craft	Griffith	Hutson
Caffey	Duncan	Hildreth	Inzer

Johnson	McNeil	Pelham	Slone
Jones (Conecuh)	Nolen	Powell	Tunstall
Martin	Oliver	Randall	Waddell
Middleton	Overton		

—30

*Nays:**Messrs:*

Bonner	Garth	Jones (Barbour)	Teasley
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—4

Mr. Griffith offered the following amendment to said bill: Amend House Bill No. 87 by striking out the words and figures "Sept. 30th, 1923" where they appear in Section 4 of said Bill and insert in lieu thereof "upon approval of this Act by the Governor."

Mr. McNeil moved to table the Amendment offered by Mr. Griffith, which motion prevailed and said Amendment was laid on the table.

Yeas, 33; Nays, 1.

*Yeas:**Messrs:*

Adams	Ellis	Johnson	Overton
Bonner	Foster	Jones (Barbour)	Pelham
Brooks	Garth	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Hudgens	McNeil	Teasley
Carmichael	Hutson	Nolen	Tunstall
Craft	Inzer	Oliver	Waddell
Duncan			

—33

Nays:—Mr. Griffith.—1.

Said bill was then read a third time at length and passed.

Yeas, 34; Nays, 0.

*Yeas:**Messrs:*

Adams	Ellis	Johnson	Overton
Bonner	Foster	Jones (Barbour)	Pelham
Brooks	Garth	Jones (Conecuh)	Powell
Brower	Griffith	Martin	Randall
Caffey	Hildreth	Middleton	Slone
Carlton	Horton	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Duncan	Inzer		

—34

Nays:—None.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Griffith:

S. 152. To provide in cases in which any defendant is indicted for an offense which may be punished capitally, and on trial under said indictment is found guilty by the jury of a less than a capital offense, and a new trial should be granted in said cause by either the trial or appellate court, that, defendant shall not be again tried under said indictment, for any higher offense than the offense for which he was so convicted by the jury; that, for such new trial it shall not be necessary for a special jury to be drawn and summoned, of the defendant be served with copy of the indictment and names of jurors, as is required for the trial of an offense which may be punished capitally.

Judiciary.

By Mr. Griffith:

S. 153. To create and re-establish a Court of Chancery in Alabama, to define its jurisdiction and powers, to provide for its officers and their compensation.

Judiciary.

By Mr. Johnson:

S. 154. To further regulate the Jury System of Alabama; by conferring and imposing the powers and duties of the Jury Commissions of the several counties upon the Commissioners Court or Board of Revenue of the respective counties; by abolishing all Jury Commissions; and by further compensating the members of certain Commissioners Courts and Boards of Revenue for discharging the duties imposed by this Act.

Privileges and Elections.

By Mr. Foster. (By Request):

S. 155. To make an appropriation for the erection and equipment of additional buildings and structures and furniture and equipment therefor on the five acres of land in the southeast corner of the northwest quarter of northwest quarter, Section 21, Township 17, Range 2 West, Birmingham, Alabama, conveyed to the Mercy Home of Birmingham, Alabama by the Board of Revenue of Jefferson County, Alabama on June 22nd, 1909, and other property to be acquired by and for said school, and the enlargement and improvement of said school, and to provide for the management and control thereof.

Finance and Taxation.

By Mr. Brower:

S. 156. To regulate charges, fees or costs in criminal cases of the Circuit Courts in all counties in this State having a population of 200,000 according to the last or any subsequent Federal census.

Revision of Laws.

By Mr. Adams:

S. 157. To repeal section 6568 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Duncan:

S. 158. To repeal an Act entitled "An Act to create a commission with authority and powers to act for and on behalf of the State of Alabama in acquiring by purchase or condemnation the building in the City of Montgomery, Alabama, commonly known and designated as the "First White House of the Confederacy", and also the land whereon said building rests or such other land as said commission may deem advisable, and to make appropriation for such purpose and for the maintenance and repair of such property," and approved September 26, 1919.

Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ware. (With Amendment):

H. 139. To provide for Obtaining the Opinion of the Justices of the Supreme Court, or a Majority thereof, by the Governor or Either House of the Legislature, Upon Important Constitutional Questions, and.

By Mr. Bealle. (With Amendment):

H. 45. To ratify and confirm the Charters and enlarge the powers of State Conventions and Associations of Congregational Religious Churches that have been heretofore incorporated under General or Special laws of this State or that may hereafter be incorporated under General Laws.

By Mr. Verner:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pelham. (By Request):

S. 146. To amend Section 2044 of the Code of Alabama.

By Mr. Powell:

S. 128. To amend Section 6110 of the Code of Alabama.

By Mr. Martin:

S. 81. To amend section 2472 of the Code of 1907 of Alabama.

By Mr. Hutson:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

By Mr. Hutson:

S. 36. To amend section 6148 of the Code of Alabama of 1907.

By Mr. Garth:

S. 148. To provide and create a commission form of government and to adopt the same in all cities in the State of Alabama, which now have or which may hereafter have a population of more than eight thousand and not more than ten thousand people according to the last Federal census, or any Federal census which may hereafter be taken; to regulate the selection and election and appointment of commissioners and fix their term of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise to provide for the creation and maintenance of said commission form of government; and the impeachment of said commissioners.

By Mr. Martin. (With Amendment):

S. 80. To amend section 1191 of the Code of 1907 of Alabama.

By Mr. Bowen:

H. 62. To amend an act approved September 5th, 1919, entitled, "An Act to further extend the power and authority of Boards of Revenue of Counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such Boards to appropriate money or funds out of the County Treasury to aid in Maintaining homes or institutions for aged women, and to authorize and empower all such Boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise."

By Mr. Pickens:

H. 76. To amend Section Six Thousand Nine Hundred and Sixty-five (6965) of the Criminal Code of Alabama, 1907.

By Mr. Pickens. (With Amendment):

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907.

By Mr. Glover:

H. 20. To repeal Section 6697 of the Code of Alabama of 1907, and to discharge the bonds thereunder existing.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ashcraft. (With Substitute):

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State. Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

Mr. Carmichael, Chairman of the Standing Committee on Military, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Horton:

S. 142. To amend sections 2038 and 2039 of the Code of Alabama.

ADVERSE REPORT.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in Session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were severally read a second time and placed on the adverse calendar, to-wit:

By Mr. Garth:

S. 39. To amend Section 4497 of the Code of Alabama of 1907.

By Mr. Pickens:

H. 77. To amend Section 6958 of the Criminal Code of Alabama, 1907.

ORDER TO PRINT.

On motion of Mr. Griffith, 300 copies of the Bill:

S. 153. To create and re-establish a Court of Chancery in Alabama, to define its jurisdiction and powers, to provide for its officers and their compensation.

Were ordered printed for the use of the Senate.

SPECIAL ORDER SET.

On motion of Mr. Ellis, the Bill:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid

motor fuels in this State. Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

Was made a special continuing order for the next Legislative Day immediately after the reading of the Journal.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate Bills:

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

S. 35. To amend an act entitled "An act to amend sections 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

S. 38. To create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county now existing, in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners; fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing of the holding of monthly meetings of said board of commissioners and providing for the repeals of all laws in conflict with this act; providing for the appointment, nomination and election of said board of commissioners.

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama and to describe the area included therein for all purposes other than for school purposes, and also to alter and rearrange the boundary lines and to describe the area in-

cluded in the city limits for school purposes and as a school district composed of the city of Talladega, Alabama.

And return same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following H. J. R. No. 40.

By Mr. Long:

H. J. R. 40. Resolved by the House, the Senate Concurring, that when the two Houses adjourn today they stand adjourned till Tuesday, Feby. 6th, at 10 A. M.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Foster, the Senate concurred in and adopted House Joint Resolution No. 40 set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted:

By Mr. Ashcraft of Lauderdale:

H. J. R. 9. Whereas, doubt has been expressed as to the constitutionality of the statutes exempting from taxation the property of certain corporations owning large interests in the State of Alabama:

Now therefore be it resolved by the House of Representatives, the Senate concurring, that the Attorney General of the State of Alabama be, and he hereby is, requested to investigate the constitutionality and validity of said acts, and report his opinion to the Senate and House.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolution No. 9, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate Bill:

S. 17. To allow certain municipal bonds to run more than ten years and to validate bonds heretofore so issued.

Whereas, section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds, contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

And returns said bill and amendment herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Hutson, the Senate concurred in the following amendment by the House to Senate Bill No. 17, the Title of which is set out in the foregoing Message from the House, to-wit:

Amend the bill by striking out the title, and insert in lieu thereof the following:

S. 17. To validate certain bonds heretofore issued by municipal corporations in Alabama.

Yeas, 31; Nays, 1.

Yeas:

Messrs:

Adams	Duncan	Hutson	Oliver
Bonner	Ellis	Inzer	Overton
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	

—31

Nays:—Mr. Waddell.—1.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

By Mr. Sessions. (With Notice and Proof) :

H. 6. To provide for the election of a county superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

And sends same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW TO ELECT COUNTY SUPERINTENDENT
OF EDUCATION OF COFFEE COUNTY.

Notice is hereby given that at the next regular session of the Legislature of Alabama to convene in January, 1923, a bill will be introduced for passage and enactment into law providing in substance as follows:

To provide for the election of the County Superintendent of Education of Coffee County, Alabama, by the votes of the qualified electors of Coffee County at a special election to be held after the passage of said law and within three months thereafter, to fix his term of office and salary and provide the manner of payment thereof; to prescribe his duties, powers and to fix his qualifications for such office; to provide for the election of his successor every four years, and to repeal all laws in conflict with said act.

H. M. Sessions,
Representative of Coffee County.

State of Alabama, }
Coffee County, }

Before me, the undersigned authority in and for said County and State, this day personally appeared H. A. DuBose, who, being first duly sworn to speak the truth, deposes and says: That he is Editor of The People's Tribune, a newspaper published in Coffee County, Alabama, at Elba, Alabama, and that the notice hereto attached, the same being a Notice of a Local Law for Coffee County, was published in The People's Tribune, giving notice of intention to introduce bill in Legislature, for four weekly issues in successive order and beginning on Nov. 16, 1922, and ending on December 7, 1922, inclusive.

H. A. DuBose,
Editor.

Subscribed and sworn to before me this the 4th day of Jan. 1923.

J. V. Wright,
Notary Public.

Also:

By Mr. Fite (with notice and proof) :

H. 125. To amend an Act entitled "An act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court: the terms and salary of said Judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment

and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

And send same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the next regular session of the Legislature of the State of Alabama, which convenes January, 1923, the following Bill will be introduced for enactment:

AN ACT.

To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court, a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for an increase of the salary of the judge and other officers and employees of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Be it enacted by the Legislature of Alabama; That Section four (4) of the said Act to establish an Inferior Criminal Court for Jefferson County, Alabama, to define the jurisdiction and powers of said court, the judge, clerk and other officers, thereof; to provide for a place for holding said court, the terms and salaries of said judge and officers of said court, the manner of their appointment and election, and the payment of their salaries, Approved September 10th, 1919, read as follows:

Section four (4) of said Act is amended to read as follows:

Section 4. That the judge of said court, except as herein otherwise provided, after the term of the ex-officio judge has ended, shall receive a salary of Five Thousand (\$5,000.00) dollars per annum, payable in equal monthly installments of Four Hundred Sixteen Dollars and Sixty-five cents, (\$416.65) out of the treasury of Jefferson County, Alabama, on his warrants drawn on the County treasurer.

That Section seven (7) of said Act is amended to read as follows:

Section 7. That it shall be the duty of the Board of Revenue of Jefferson County, Alabama, to provide a proper place at the Court House of Jefferson County, in Birmingham, for holding said court, and to provide for the comforts and necessary blanks, stationery, dockets, books, seals and other appurtenances, and shall also furnish upon the order of the judge of said court, an automobile and other conveyances for the use of the executive officers of said court.

That Section ten (10) of said Act is amended to read as follows:

Section 10. That there shall be appointed by the judge of said court a Chief Clerk, a First Assistant Clerk and two Deputy Clerks, who shall hold office at the will of the judge of said court. The Chief Clerk shall receive as compensation for his services the sum of twenty-four hundred (\$2400.00) dollars per annum, payable in equal monthly installments of two hundred (\$200.00) dollars per month, out of the County Treasury of Jefferson County upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that said chief clerk has performed the duties for the month.

The First Assistant Clerk shall receive as compensation for his services the sum of Eighteen Hundred (\$1800.00) dollars per annum, payable in equal monthly installments out of the treasury of Jefferson County upon

warrants drawn upon the county treasurer by the judge of said court, showing that first assistant clerk has performed the duties for the month, and each of said deputy clerks shall receive a salary of twelve hundred (\$1200.00) dollars per annum, payable in equal monthly installments of one hundred (\$100.00) dollars out of the county treasury of Jefferson County, upon warrants drawn upon the County Treasurer by the judge of said court, showing that the said deputy clerks have performed their duties for the month. The first assistant and the deputy clerks shall act under the authority of the Chief Clerk and shall perform any duties delegated to him or her by such Chief Clerk, for and in the name of the Chief Clerk. The Judge of said court may designate in writing by a general order, which shall continue until revoked by a formal order made on the dockets of the court, the Chief Clerk or the First Assistant Clerk, or any of the deputy clerks as ex-officio Judge of said Jefferson County Court of Misdemeanors, and said ex-officio Judge of said court so designated shall have the power and authority to take affidavits, and to issue all warrants of arrest that the judge of said court could issue, returnable to the said Jefferson County Court of Misdemeanors.

That Section fifteen (15) of said Act is amended to read as follows:

Section 15. That all processes of whatever nature or kind issued out of said court shall be addressed to the Sheriff of Jefferson County, Alabama, or to the special deputy or deputies appointed for said court and said processes so issued shall either be executed by the Sheriff or his deputies, or by the special deputies appointed for the Jefferson County Court of Misdemeanors, and the judge of said court shall determine in any case, to whom said process shall be placed for execution. That it shall be the duty of said sheriff, and he shall be required in person or by deputy, to attend on said court at all times when the same is in session, to preserve order and to execute and return its processes and to perform in said court all other duties that may be required of the sheriff in any court of record.

That section sixteen (16) of said Act is amended to read as follows:

Section 16. The judge of said court may appoint a bailiff, who shall receive a salary of fifteen hundred (\$1500.00) dollars per annum, payable in equal monthly installments out of the county treasury, upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that he has performed the duties entitling him to such. Such bailiff may be removed from office at any time by the judge of said court, at the will of said judge.

That Section seventeen (17) of said Act is amended to read as follows:

Section 17. That the judge of said court shall have the power and the authority to appoint not more than four (4) executive officers, who shall hold office during the pleasure of the judge, and whose duties it shall be to execute all processes of said court entrusted to them, to make such investigations of crime as shall be required of them by the judge of said court, and shall perform any other duties that may be necessary to detect and prosecute crime in Jefferson County. That said executive officers shall be designated and known as marshals of the Jefferson County Court of Misdemeanors, and each shall receive an annual salary of fifteen hundred (\$1500.00) dollars, to be paid out of the county treasury of Jefferson County, Alabama, in equal monthly installments, upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that such officers have performed the duties entitling them to such payments.

That Section eighteen (18) of said Act is amended to read as follows:

Section 18. That the solicitor of Jefferson County, Alabama, be and he is hereby authorized to appoint a deputy solicitor for said court, whose duty it shall be to attend all sessions of said court, and prosecute all misdemeanors, and all felonies to be heard on preliminary trial. That there shall be taxed as a part of the costs in each misdemeanor case prosecuted

by the deputy solicitor the sum of five dollars as solicitor's fee, and in all felony cases, prosecuted by said deputy solicitor there shall be taxed the sum of ten dollars as solicitor's fee, which solicitor's fees shall be collected by the clerk of said court, or by the clerk of the Circuit Court of Jefferson County, when the case is not finally determined in the Jefferson County Court of Misdemeanors, and shall be paid into the treasury of said county.

State of Alabama, }
Jefferson County. }

Personally appeared before me, J. C. Williams, a Notary Public in and for said County in said State, A. H. Cather, who being by me first duly sworn, deposes and says that he is the Editor and Manager of the Southern Labor Review, a newspaper of general circulation published in Jefferson County, Alabama, and has been such for more than a year prior hereto: that the notice and proposed law entitled "An Act to amend an Act entitled An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court, a judge a clerk and other officers thereof; to provide a place for holding said court; the term and salary of said judge and officers of said court; the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employes of said court, their appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties, a copy of which said notice and proposed law is hereto attached, was published, free of all cost to the State of Alabama, once a week for four consecutive weeks in the said Southern Labor Review in Jefferson County, Alabama, on the following dates, December 13th, 20th and 27th, 1922, and January 3rd, 1923, and that a copy of the notice of the intention to apply to the Legislature of Alabama, which convenes in session in January, 1923, and a copy of the said proposed law referred to in said notice, as the same were published on said dates in said newspaper are hereto attached and made a part thereof.

A. H. Cather,

Editor and Publisher of Southern Labor Review.

Subscribed and sworn to before me this the 11th day of January, 1923.

J. C. Williams,

Notary Public.

(SEAL)

Also:

By Mr. Odom, (with notice and proof):

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

And send same herewith to the Senate with Notice and Proof attached and herewith exhibited as follows:

NOTICE OF PROPOSED ROAD LAW FOR LAMAR COUNTY.

Notice is hereby given that application will be made to the next Legislature to assemble in January 1923, to pass an act covering the following:

1. To repeal the present road law of Lamar County, Alabama, enacted in 1919.

2. To regulate the opening, construction, maintaining, and working of the public roads, bridges and highways of Lamar County, Alabama and provide a system therefor, and to provide penalties for its violation.

3. To provide for the levying, assessing, or charging of a privilege license for all motor driven vehicles using the public roads of Lamar County, Alabama, to provide for the collection thereof, and to provide for the assessing, levying, charging and collecting a privilege license for each and every wagon or other vehicle drawn by animals, and using the public roads, when such wagons or other vehicles are used to haul for hire, charge, compensation or profit, and to require persons to procure and pay for such privilege license, and to provide penalties for not doing so.

4. To provide for the use of the funds arising from such vehicle license.

5. To provide and enact all such additional legislation as may be pertinent to a complete system of roads for said Lamar County, Alabama.

The State of Alabama, }
Lamar County. }

Before me, J. T. Maddox, Judge of Probate in and for said County, personally appeared Flavious McDougal, Editor and Publisher of the Lamar Democrat, a newspaper published in Lamar County, Alabama, who, after being duly sworn, deposes and says that the hereto attached Notice of Proposed Road Law for Lamar County was published in said newspaper as the Law directs for four consecutive weeks, to-wit, on January 3rd, January 10th, January 17th, and January 24th, 1923.

Flavious McDougal,

Editor and Publisher of the Lamar Democrat.

Subscribed and sworn to before me this 24 day of January, 1923.

J. T. Maddox,

Judge of Probate.

J. H. Stewart,

Clerk.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees as follows:

H. 6 and H. 188, to the Committee on Local Legislation.

H. 125 to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without Engrossment:

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal Census; or which shall have such

population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payment for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees, as follows:

H. 121 and H. 179, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following Bills:

H. 120. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than Two Hundred Thousand Population, according to the last or any succeeding Federal Census, and to provide for the payment of such compensation.

Also:

H. 127. To make it unlawful for any one to move or disturb the body of a person, or his personal effects whose death is due to violence, before an inquest by the coronor, or except on his order, or the order of his assistant, or the order of the sheriff, or order of the solicitor, or order of a Circuit Judge; to make it the duty of the sheriff to execute any and all processes directed to him by the coroner, in the discharge of his official duties; to empower the coroner to perform autopsies upon the bodies of persons who have died by violence, when necessary to ascertain the cause of death, or to obtain evidence which he reasonably believes will become admissible as against any person inflicting the wound or wounds which caused the death of said person; to authorize any person to pick up and secure the body of any deceased person found in the waters or streams of the counties embraced in this act, and to further provide for the compensation of such persons for so doing; and to provide that this Act shall apply to all counties in the State of Alabama having more than two hundred thousand population according to the last or any succeeding Federal Census; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Also:

H. 138. To authorize the Courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Also:

H. 173. To amend an Act, entitled, "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Also:

H. 99. To abolish the office of Deputy Solicitor for Autauga County; to prohibit the Circuit Solicitor from appointing a Deputy Solicitor, or Assistant Solicitor for the County of Autauga, and to provide for the discharge of the duties heretofore devolving upon the Deputy Solicitor, or Assistant Solicitor for said county; and to prohibit the payment of any compensation to such Deputy Solicitor.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

To amend an Act entitled an Act "To provide for the election of a solicitor for each Judicial Circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority and fix their compensation," to abolish the office of deputy solicitor for Autauga county; to prohibit the circuit solicitor from appointing a deputy solicitor or assistant solicitor for the County of Autauga; and to provide for the discharge of the duties heretofore devolving upon the deputy solicitor or assistant solicitor for said county; and to prohibit the payment of any compensation to such deputy solicitor.

Be it enacted by the Legislature of Alabama:

1. That on and after the passage and approval of this Act the office of deputy solicitor, or assistant solicitor for Autauga County be and the same is hereby abolished.

2. That the Act of the Legislature of 1915 approved September 15, 1915 (General Acts 1915, pp. 817-23) be and the same is hereby amended insofar as it applies to the County of Autauga as to the appointment of a deputy solicitor, or assistant solicitor for said county.

3. That no circuit solicitor of any circuit of which Autauga County is a part has authority to appoint a deputy solicitor or assistant solicitor for said county.

4. That on and after the passage of this Act, no compensation, salary, or other remuneration shall be paid out of the County Treasury or otherwise by Autauga County to any person holding by appointment or otherwise the office of deputy solicitor, or assistant solicitor, for said county.

5. That all laws, general, special or otherwise, in conflict with this Act be and the same are hereby expressly repealed so far as Autauga County is concerned.

6. That this Act shall go into effect immediately upon its passage and approval.

State of Alabama, }
Autauga County. }

Before me, Chas. Booth, a Notary Public in and for said State and County, personally appeared H. S. Doster, who being by me first duly sworn, deposes and says as follows:

That he is the Editor of the Prattville Progress, a newspaper published at Prattville, in said County and State, and that the attached copy hereto has appeared for four consecutive weeks in said paper.

H. S. Doster.

Sworn to and subscribed before me this 20th day of January, 1923.

Chas. Booth,
Notary Public.

Also:

H. 34. For the relief of George W. Courson, former constable of Precinct 9, Jefferson County, Alabama.

With notice and proof attached as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, which convenes in January, 1923, in substance as follows:

"A bill, to be entitled 'An Act for the relief of George W. Courson, former Constable, of Precinct 9, Jefferson County, Alabama—'

Whereas, George W. Courson, as Constable of Precinct 9, Jefferson County, Alabama, did in good faith, and under color of his office, cite for registration dogs in Jefferson County outside of Precinct 9; and

Whereas, the said George W. Courson, as such Constable, did incur great expense in said work, and did render good and effective service under the law known as the Dog Law; and

Whereas the Clerk of the Circuit Court of Jefferson County, Alabama, has collected and now holds in his hands the sum of four thousand two hundred seven dollars and fifty cents (\$4,207.50), which moneys came into his hands as Constable's fees earned by the said George W. Courson in citing for registration in said County dogs outside of Precinct 9, as aforesaid, which said fees he, said George W. Courson as such Constable has never received;

Now, therefore, be it enacted by the Legislature of Alabama, that the Clerk of the Circuit Court of Jefferson County, Alabama, be and he hereby is authorized and directed to pay over to the said George W. Courson, as such former Constable of Precinct 9, Jefferson County, Alabama, and for his relief, the said sum of four thousand two hundred seven and 50-100 dollars, (\$4,207.50) on account of the matters hereinbefore mentioned, immediately on approval of this act.

12-13, 20, 27, 1-3.

State of Alabama, }
Jefferson County. }

Before me, the undersigned authority, personally appeared A. H. Cather, who being by me duly sworn, deposes and says that he is the Editor and publisher of Southern Labor Review, a paper published in Birmingham, Jefferson County, Alabama. Affiant further deposes and says that the foregoing and attached notice was printed in said Southern Labor Review four consecutive issues, for a period of four consecutive weeks on the following dates: December 13th, December 20th, December 27th, 1922, and January 3rd, 1923.

A. H. Cather,
Editor and Publisher.

Sworn to and subscribed before me this the 6th day of January, 1923.

Helen Lykes,
Notary Public.

Also:

H. 109. To repeal an act entitled: "An Act to regulate the issue of garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal service rendered or to be rendered by the Defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin County.

With notice and proof attached as follows:

EXHIBIT "A".

An Act to repeal an act entitled: "An Act to regulate the issue of Garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the defendant, is sought to be subjected by process of Garnishment in the counties of Colbert and Franklin." Approved February

21, 1893. In so far as the same relates to or affects Franklin County. Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to regulate the issue of Garnishments by Justices of the Peace and Notaries Public with same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the defendant, is sought to be subjected by process of Garnishment in the Counties of Colbert and Franklin"; approved February 21, 1893, be and the same is hereby repealed in so far as the same relates to or affects Franklin County.

Sec. 2. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

State of Alabama, }
Franklin County. }

Before me, B. H. Sargent, a Notary Public in and for said State and county came L. L. Jackson who being duly sworn states and says as follows:

That he is owner and editor of the Franklin Times, a weekly newspaper published in the City of Russellville, County of Franklin and State of Alabama; that the bill attached hereto was duly published in said newspaper on the following dates: December 21, 1922, December 28, 1922, January 4, 1923 and January 11, 1923. A copy of the publication as published in said newspaper and clipped therefrom is pasted to a sheet attached hereto marked exhibit A and made a part of this affidavit.

L. L. Jackson,
Editor and Owner.

Sworn to and subscribed before me on this the 19 day of January, 1923.

B. H. Sargent,
Notary Public.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk, House of Representatives.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees, as follows:

H. 120, to the Committee on Revision of Laws.

H. 127, H. 109, to the Committee on Judiciary.

H. 138, H. 99 to the Committee on Local Legislation.

H. 173, to the Committee on Municipalities and Municipal Organizations.

H. 34, to the Committee on Finance & Taxation.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following Resolution and ordered same returned to the Senate with an adverse report, to-wit:

S. R. 63. Providing for the creation of a committee to be known as the "Rivers and Harbors Committee."

And said Resolution was placed on the adverse calendar.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 62. Whereas, the Atlanta, Birmingham and Atlantic Railroad Company, which traverses several of the counties of the State, has failed or refused to pay its taxes, for the years 1921 and 1922 to the State and the several counties in the approximate amount of \$100,000.00, and

Whereas, no steps have been taken by the State Tax Commission of the State to enforce the payment of such taxes, past due and unpaid, and whereas, the homes and farms of some of our citizens have been sold for taxes, and the owners thereof, together with their wives and children have been turned out, and it appearing that the State and the several counties have been deprived of the use of these tax funds. Therefore, be it resolved by the Senate, that the Governor is hereby requested to furnish the Senate with all the facts pertaining to same, together with the Tax Commission's records in reference thereto, and specifically why these taxes have not been collected.

And on motion of Mr. Martin said report was concurred in and said Resolution adopted.

REPORT OF SPECIAL COMMITTEE.

Mr. President:

Your Committee appointed under a special Joint Resolution of the Senate and House to draft resolutions indorsing the Ford offer for Muscle Shoals begs leave to report as follows:

Whereas, there is now before the Congress of the United States an offer from Henry Ford to take over and complete Wilson Dam and the full capacity of the powerhouse; therewith; to build Dam No. 3 and fully equip its powerhouse; and also operate the Government plants at Muscle Shoals to their full capacity; and,

Whereas, this offer guarantees to manufacture nitrogen and other fertilizers at great savings to the farmers; and,

Whereas, it further guarantees to so operate these great plants and so to utilize the power developed from these dams as to make them beneficial to the American public, and at the same time to make a real demonstration in the proper development and utilization of natural resources for the benefit of the people for fertilizer, for transportation and for war preparedness and for flood control.

Be it resolved by the Senate of Alabama, the House concurring:

1. That we earnestly urge our Congress to immediately accept the Ford offer for Muscle Shoals; and,

2. That copies of this resolution be sent to the President, Honorable Warren G. Harding, to the President of the Senate of the United States, to the Speaker of the House of Representatives, to the Secretary of War, to the Senators and Representatives in Congress from Alabama, and to the press.

Signed:

On the part of the Senate:

George Duncan,
J. M. Bonner.

On the part of the House:

C. W. Ashcraft,
C. B. Verner,
John Patterson.

COMMITTEE'S REPORT.

On motion of Mr. Duncan the foregoing report of the special committee appointed to draft Resolutions urging Congress to accept the Ford Offer for Muscle Shoals, was adopted by the Senate.

RESOLUTIONS.

Mr. Martin of the Rules Committee, offered the following Senate Resolution:

S. R. 64. Resolved that the Committee on the Judiciary be increased from 11 to 13 members, and that the President of the Senate appoint the two additional members.

Which was, under a suspension of the Rules, adopted.

Mr. Craft offered the following Senate Joint Resolution:

S. J. R. 65. Be it resolved by the Senate, the House concurring that a joint Committee of five (5), two (2) from the Senate, to be appointed by the President of the Senate, and three (3) from the House, to be appointed by the Speaker of the House, sit during the recess of the Legislature to investigate and examine into and report back to the Legislature, at its adjourned session, the conservation laws of the State of Alabama relating to the natural resources of the State:

Viz: Forestry, seafoods—oysters, shrimp, salt-water fish,—game and fish, and other natural resources of the State that demand the State's protection.

The Committee shall receive their per diem and such expenses in making said investigation, examination and reports as are necessary in prosecuting their duties, said per diem and expenses to be paid out of the Game and Fish Protection Fund in the State Treasury to the credit of the Department of Conservation, State of Alabama.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House Bill and House Joint Resolutions, your signature thereto is requested:

H. J. R. 16. That a joint committee from the Senate and the House of Representatives of Alabama is hereby authorized to be appointed to consider educational matters during the recess of the Legislature; and to define its duties and compensations.

Also:

H. J. R. 15. To commend to the President of the United States the Hon. Alfred A. Taylor of Tenn. for appointment to the office of Secretary of the Interior.

Also:

H. J. R. 27. Relative to the endorsement of the Hon. Oscar W. Underwood of Birmingham, by the House of Representatives of Alabama, for President of the United States.

Also:

H. 83. To make an appropriation for the control and eradication of tuberculosis, hog cholera and other infectious and contagious animal diseases and the materials or things that may spread or carry the cause of such diseases of live stock.

J. H. Stewart,
Clerk.

SIGNING OF BILL AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and resolutions; the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING.

The Resolution:

S. J. R. 38. Creating a Joint recess committee consisting of two members from the Senate and three from the House, to sit during the recess for the consideration of educational matters.

Was read a third time at length and adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Johnson	Oliver
Bonner	Garth	Jones (Barbour)	Overton
Brooks	Hildreth	Jones (Conecuh)	Pelham
Brower	Horton	Martin	Randall
Caffey	Howle	Middleton	Slone
Carlton	Hudgens	McNeil	Teasley
Carmichael	Hutson	Nolen	Tunstall
Craft	Inzer		

—30

Nays:—None.

The Bill:

S. 60. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of Alabama, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Was taken up.

The Standing Committee on Finance and Taxation offered the following Substitute for said Bill, to-wit:

A BILL

To be entitled an Act to provide for the extension of time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, in all counties in this State which have a population of at least 92,500 and not more than 150,000, according to the last Federal census, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having this said population, to issue new interest bearing warrants, at the same or less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Be it enacted by the Legislature of Alabama:

Section 1. That the courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of this State, having a population of not less than 92,500, nor more than 150,000, are hereby authorized and vested with full authority to extend the time of payment of any interest bearing warrants, which have been issued as payment for the construc-

tion or repair of any public roads or bridges in their respective Counties, for such period of time as to them may deem advisable, provided such time shall not extend over a period of more than ten years from the date of the contract for the construction or repair of any such public roads or bridges, and upon which said contract the said warrants were issued; and in making such extension of the time of payment, such Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several Counties of this State are authorized to issue new warrants, bearing interest at the same rate or a less rate than the original warrants, to the legal holder of said warrants, and deliver them to the holder of such warrants in lieu thereof, and which last said warrants shall be in form as now required by law and shall be binding and valid obligations of said County.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 30; Nays, 1.

Yeas:

Messrs:

Adams	Ellis	Inzer	Oliver
Brooks	Garth	Johnson	Overton
Brower	Griffith	Jones (Barbour)	Pelham
Caffey	Hildreth	Jones (Conceh)	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall
Duncan	Hutson		

—30

Nays:—Mr. Waddell.—1.

And said Bill, as thus Amended was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 1.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Randall
Caffey	Griffith	Jones (Barbour)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	McNeil	Tunstall
Craft	Howle	Nolen	

—31

Nays:—Mr. Waddell.—1.

The Bill:

H. 82. To make an appropriation for tick eradication.
Was engrossed and read a third time.

Mr. Hutson moves that the vote by which said Bill was ordered to an engrossment and third reading, be reconsidered.

Mr. Adams moves that said Bill be indefinitely postponed.

Mr. Hildreth moves to table the motion of Mr. Adams, which motion prevailed, and said motion was tabled.

Yeas, 22; Nays, 12.

Yeas:**Messrs:**

Bonner	Ellis	Inzer	Nolen
Brooks	Foster	Johnson	Oliver
Caffey	Garth	Jones (Barbour)	Randall
Carlton	Hildreth	Jones (Conecuh)	Teasley
Craft	Horton	McNeil	Waddell
Duncan	Hudgens		

—22

Nays:**Messrs:**

Adams	Griffith	Martin	Pelham
Brower	Howle	Middleton	Slone
Carmichael	Hutson	Overton	Tunstall

—12

Mr. Bonner then moves to table the motion of Mr. Hutson to reconsider the vote by which said Bill was ordered to an engrossment and third reading, which motion prevailed and the motion of Mr. Hutson to reconsider was laid on the table.

Yeas, 21; Nays, 13.

Yeas:**Messrs:**

Bonner	Duncan	Horton	Nolen
Brooks	Ellis	Hudgens	Oliver
Caffey	Foster	Inzer	Randall
Carlton	Garth	Jones (Conecuh)	Teasley
Carmichael	Hildreth	McNeil	Waddell
Craft			

—21

Nays:**Messrs:**

Adams	Hutson	Martin	Pelham
Brower	Johnson	Middleton	Slone
Griffith	Jones (Barbour)	Overton	Tunstall
Howle			

—13

The question then recurred on the passage of the Bill, and said Bill was passed.

Yeas, 23; Nays, 11.

Yeas:

Messrs:

Bonner	Duncan	Hudgens	Oliver
Brooks	Ellis	Inzer	Overton
Caffey	Foster	Jones (Barbour)	Randall
Carlton	Garth	Jones (Conecuh)	Teasley
Carmichael	Hildreth	McNeil	Waddell
Craft	Horton	Nolen	

—23

Nays:

Messrs:

Adams	Howle	Martin	Slone
Brower	Hutson	Middleton	Tunstall
Griffith	Johnson	Pelham	

—11

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made by the Municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

S. 26. To appropriate the sum of Thirty-nine Thousand and no/100 (\$39,000.00) Dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Alabama.

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

S. 35. To amend an act entitled "An act to amend sections 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

S. 38. To create and establish a board of county commissioners in and for Madison County, Alabama, in the place and stead of the board of revenue of Madison county now existing,

in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners; fixing their compensation, conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing of the holding of monthly meetings of said board of commissioners and providing for the repeals of all laws in conflict with this act; provided for the appointment, nomination and election of said board of commissioners.

C. R. Horton,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their title had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the report of the Joint Committee of the two Houses to draft resolutions urging Congress to accept the Ford offer for Muscle Shoals.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING RESUMED.

The Bill:

S. 11. To authorize and empower the council of cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve post office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Was taken up.

The following Amendment offered by the Committee on Municipalities and Municipal Organizations, to-wit:

Amend Senate Bill 11, as follows:

By adding to Section 1 of said bill the following:

"Provided, however, this shall apply only to cases where the money has heretofore been expended and for which the City Council wishes to reimburse the citizens who have made such payment."

Was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Hudgens	Nolen
Brooks	Garth	Hutson	Oliver
Brower	Griffith	Inzer	Overton
Caffey	Hildreth	Jones (Barbour)	Pelham
Carlton	Horton	Martin	Randall
Carmichael	Howle	McNeil	Waddell
Craft			

—25

Nays:—None.

And said Bill as thus Amended was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Hudgens	Nolen
Bonner	Duncan	Hutson	Oliver
Brooks	Ellis	Inzer	Overton
Brower	Foster	Jones (Barbour)	Pelham
Caffey	Griffith	Martin	Randall
Carlton	Hildreth	McNeil	Waddell
Carmichael	Horton		

—26

Nays:—None.

The Bill:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 18; Nays, 10.

Yeas:

Messrs:

Adams	Craft	Hudgens	Martin
Bonner	Ellis	Hutson	Pelham
Brower	Garth	Inzer	Randall
Caffey	Horton	Jones (Barbour)	Teasley
Carmichael	Howle		

—18

Nays:

Messrs:

Brooks
Foster
Griffith

Hildreth
Jones (Conecuh)
McNeil

Nolen
Oliver

Tunstall
Waddell

—10

The Bill:

S. 112. To amend sections 14, 15, 16, and 47, of an act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Was taken up.

Mr. Brower offered the Amendment to said Bill, to-wit:

Amend S. B. 112 as follows:

Amend Section 16 by adding at the end thereof the following:

When any order of valuation or of re-valuation of the commission heretofore made has become a final order, an appeal may be taken therefrom by the utility or by any person, as defined herein, who is a party to the cause before the commission to the circuit court of Montgomery County, Alabama, in equity, within thirty days from the date of such final order, and upon the hearing of such appeal that court shall have the right to affirm the order of the commission, or reverse the same and remand the case to the commission for further consideration.

And from any such judgment of the circuit court an appeal shall lie to the Supreme Court of Alabama which Court shall have the right to affirm the judgment of the circuit court, or to reverse the same and remand the case to the commission for further consideration. If the cause should be reversed and remanded to said commission by either the circuit court or the Supreme Court, the commission shall proceed to a consideration thereof in accordance with the mandate of said court, and the law as applicable thereto.

Which was adopted.

Yeas, 29; Nays, 0.

*Yeas:**Messrs:*

Adams	Garth	Inzer	Oliver
Bonner	Griffith	Jones (Barbour)	Pelham
Brooks	Hildreth	Jones (Conecuh)	Powell
Brower	Horton	Martin	Randall
Caffey	Howle	Middleton	Teasley
Carlton	Hudgens	McNeil	Tunstall
Carmichael	Hutson	Nolen	Waddell
Duncan			

—29

Nays:—None.

Mr. Hildreth offered the following Amendment to said Bill, to-wit:

Amend S. B. 112 by adding to Section 47 the following:

"The Commission shall enter into contract, approved by the Governor, with the deans of the College of Engineering of the University of Alabama and of the Engineering Department of the Alabama Polytechnic Institute, and with the dean of the School of Commerce & Business Administration of the University of Alabama, for the performance by such heads of departments and their assistants, of the engineering and accounting duties which the Commission may find it necessary to undertake; and the Commission shall not have authority to employ any engineering or accounting experts except as herein named."

Mr. Carmichael moved to lay the Amendment offered by Mr. Hildreth on the table, which motion prevailed, and the Amendment was tabled.

Yeas, 30; *Nays*, 2.

*Yeas:**Messrs:*

Adams	Foster	Johnson	Oliver
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Horton	Martin	Slone
Carlton	Howle	Middleton	Teasley
Carmichael	Hudgens	McNeil	Tunstall
Craft	Hutson	Nolen	Waddell
Duncan	Inzer		

—30

*Nays:**Messrs:*

Bonner Hildreth

—2

The Standing Committee on Judiciary offered the following Amendment to said Bill, to-wit:

Amend the bill by striking the figure "14" (fourteen) out of the bill wherever the same occurs therein, and by striking Section 14 (fourteen) out of the bill.

Which was adopted.
Yeas, 32; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hutson	Nolen
Bonner	Foster	Inzer	Oliver
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Hildreth	Jones (Conecuh)	Slone
Carlton	Horton	Martin	Teasley
Carmichael	Howle	Middleton	Tunstall
Craft	Hudgens	McNeil	Waddell

—32

Nays:—None.

The Committee on Judiciary also offered the following Amendment to said Bill, to-wit:

Amend the bill by striking out of section 16 of the bill the following:

“The Commission shall not proceed more than once to make a revaluation of the properties of any utilities, except the Commission may, if satisfied that an order of revaluation is substantially affected with fraud or mistake, of law or fact, reopen the same within twelve months thereafter, and proceed to a second revaluation which shall be governed by the procedure herein fixed for the first revaluation.”

Which was adopted.

Yeas, 34; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall
Duncan	Hutson	Oliver	Waddell
Inzer			

—34

Nays:—None.

The Committee on Judiciary also offered the following Amendment to said Bill, to-wit:

Amend the bill by adding at the end of Section 16 of the Bill and as a part of said section 16, the following:

“In the case of any revaluation in a proceeding in which the final order of valuation is hereafter made, the cost of services of engineers, accountants, or other experts, employed and used

by the Commission in such revaluation proceedings, shall be borne by the Commission where such revaluation is by the Commission, on its own motion or upon the application of some person other than the utility whose property is involved."

Which was adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Nolen
Bonner	Ellis	Hutson	Pelham
Brooks	Foster	Inzer	Randall
Brower	Garth	Johnson	Slone
Caffey	Griffith	Jones (Barbour)	Teasley
Carlton	Hildreth	Jones (Conecuh)	Tunstall
Carmichael	Horton	Middleton	Waddell
Craft	Howle	McNeil	

—31

Nays:—None.

And said Bill, as thus Amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Nolen
Bonner	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Randall
Caffey	Griffith	Jones (Barbour)	Teasley
Carlton	Hildreth	Jones (Conecuh)	Tunstall
Carmichael	Horton	Middleton	Waddell
Craft	Howle	McNeil	

—31

Nays:—None.

The Bill:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex-officio Justice of the Peace therein to be called the Inferior Court of York.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Adams	Carlton	Foster	Hudgens
Bonner	Carmichael	Garth	Hutson
Brooks	Craft	Griffith	Johnson
Brower	Duncan	Horton	Jones (Conecuh)
Caffey	Ellis	Howle	Martin

Middleton
McNeil
Nolen

Oliver
Pelham
Randall

Slone
Teasley

Tunstall
Waddell

—30

Nays:—None.

RECESS.

At 1:15 P. M. on motion of Mr. Ellis, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION.

Friday, February 2nd, 1923.

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor McDowell presiding.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Slone
Carlton	Howle	Middleton	Teasley
Carmichael	Hudgens	McNeil	Tunstall
Craft	Hutson	Nolen	Waddell
Duncan			

—33

Being a quorum of the Senate.

LEAVE OF ABSENCE.

On motion of Mr. Inzer leave of absence was granted Mr. Horton for this afternoon.

On motion of Mr. Powell, leave of absence was granted Mr. Randall for this afternoon.

BILLS ON THIRD READING.

The Bill:

S. 55. To amend subdivision 5, of section 3052 of the Code, relating to the jurisdiction of the equity courts.

Was taken up.

The following Amendment offered by the Committee on Judiciary, to-wit:

Amend by striking out the words "in all cases" and inserting in lieu thereof the words "whether the bill contains an independent equity or not."

Was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Brooks	Ellis	Inzer	Overton
Brower	Foster	Johnson	Pelham
Caffey	Garth	Jones (Conecuh)	Powell
Carlton	Griffith	Martin	Slone
Carmichael	Hildreth	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson		

—26

Nays:—None.

And said Bill, as thus Amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Brooks	Ellis	Inzer	Pelham
Brower	Foster	Johnson	Powell
Caffey	Garth	Jones (Barbour)	Randall
Carlton	Griffith	Jones (Conecuh)	Slone
Carmichael	Hildreth	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—27

Nays:—None.

The Bill:

S. 57. To prohibit the discharge or emptying of oil from any kind of boat, vessel, steamer, or other water craft, directly or indirectly, into or on the waters of any river, lake, bay, stream or other like body of water in this State; and to punish any person guilty of such discharge or emptying of oil, or who causes or is in any way concerned in causing such discharge or emptying of oil.

Was taken up.

The following Amendment by the Committee on Judiciary, to-wit:

Amend S. B. 57 by adding thereto Section 3 as follows:

"Section 3. Provided that nothing in this Act shall in any way interfere with the activities of the State Board of Health or the local Boards of Health in their efforts to exterminate mos-

quito breeding or the breeding of other insects dangerous to the public health or which might otherwise become a nuisance to the community.

And provided further, that the provisions of this Act shall not apply to any boat, vessel, steamer, or other water craft discharging oil from said vessel upon said waters which oil has been used for lubricating purposes."

Was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Inzer	Overton
Brooks	Ellis	Johnson	Pelham
Brower	Garth	Jones (Barbour)	Powell
Caffey	Griffith	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Tunstall
Carmichael	Hudgens	McNeil	Waddell
Craft	Hutson	Nolen	

—27

Nays:—None.

And said Bill, as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Hutson	Nolen
Brooks	Ellis	Inzer	Oliver
Brower	Foster	Johnson	Overton
Caffey	Garth	Jones (Barbour)	Pelham
Carlton	Griffith	Jones (Conecuh)	Slone
Carmichael	Hildreth	Martin	Tunstall
Craft	Hudgens	McNeil	Waddell

—28

Nays:—None.

The Bill:

S. 133. To authorize the increase of the capital stock or shares of building and loan associations organized under the laws of this State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Bonner	Caffey	Craft	Foster
Brooks	Carlton	Duncan	Garth
Brower	Carmichael	Ellis	Griffith

Hildreth	Jones (Barbour)	Nolen	Slone
Hudgens	Jones (Conecuh)	Overton	Teasley
Hutson	Martin	Pelham	Tunstall
Inzer	McNeil	Powell	Waddell
Johnson			

—29

Nays.—None.

On motion of Mr. Waddell, the Bill:

S. 130. To repeal an act entitled "An Act to amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of section eight (8) of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the

burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act,' approved September 28, 1915." Approved February 17th, 1919.

Was made the second special continuing order immediately after the reading of the Journal on the next Legislative day.

The further consideration of:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Also:

S. 99. To amend section 7 of an act "To regulate elections; to provide for the registration and furnishing of a list of qualified electors to the election inspectors." Approved October 2nd, 1920.

Was postponed until the next Legislative Day, without losing their place on the calendar.

Mr. Brower moved that the further consideration of:

S. 126. To permit newspaper editors, publishers and employees of newspapers to accept free transportation from railroads and other common carriers in exchange for space and advertisements in their newspapers and to permit the free use of such railroad transportation on railroads and other common carriers by the editors, publishers and employees of newspapers holding the same.

Be indefinitely postponed.

Mr. Overton moved that the motion of Mr. Brower be laid on the table, which motion prevailed, and the motion of Mr. Brower was laid on the table.

Yeas, 15; Nays, 12.

Yeas:

Messrs:

Bonner

Carlton

Carmichael

Craft

Ellis

Griffith

Hildreth

Jones (Barbour)

Jones (Conecuh)

McNeil

Nolen

Overton

Teasley

Tunstall

Waddell

Nays:

Messrs:

Brooks	Duncan	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Hudgens	Martin	Slone

—12

Mr. Brower then moved that the further consideration of said Bill be postponed until the 14th Legislative Day.

Mr. Overton moved to table the motion of Mr. Brower, which was lost.

Yeas, 13; Nays, 15.

Yeas:

Messrs:

Bonner	Griffith	McNeil	Teasley
Carlton	Hildreth	Nolen	Tunstall
Carmichael	Jones (Barbour)	Overton	Waddell
Craft			

—13

Nays:

Messrs:

Brooks	Ellis	Inzer	Pelham
Brower	Foster	Johnson	Powell
Caffey	Garth	Jones (Conecuh)	Slone
Duncan	Hudgens	Martin	

—15

And on motion of Mr. Brower to postpone until the 14th Legislative Day then prevailed, and the consideration of said Bill was postponed until the 14th Legislative Day.

Yeas, 16; Nays, 13.

Yeas:

Messrs:

Brooks	Ellis	Inzer	McNeil
Brower	Foster	Johnson	Pelham
Caffey	Garth	Jones (Conecuh)	Powell
Duncan	Hudgens	Martin	Slone

—16

Nays:

Messrs:

Bonner	Griffith	Nolen	Teasley
Carlton	Hildreth	Oliver	Tunstall
Carmichael	Jones (Barbour)	Overton	Waddell
Craft			

—13

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 233. To fix the per diem or compensation of members of all Recess Committees appointed by Joint Resolution of the two Houses of the Legislature.

And ordered same sent to the Senate without engrossment.
J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 233, to the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED.

The Bill:

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1,354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission.

Was taken up.

Mr. Inzer moved that the further consideration of this Bill be postponed until the 20th Legislative Day.

Mr. Powell moved that the motion of Mr. Inzer be laid on the table, which motion prevailed and the motion of Mr. Inzer was tabled.

Yeas, 25; Nays, 6.

Yeas:

Messrs:

Bonner	Foster	Jones (Barbour)	Overton
Caffey	Garth	Jones (Conecuh)	Powell
Carlton	Griffith	Martin	Slone
Carmichael	Hildreth	McNeil	Teasley
Craft	Horton	Nolen	Tunstall
Duncan	Hudgens	Oliver	Waddell
Ellis			

—25

Nays:

Messrs:

Brooks	Howle	Johnson	Pelham
Brower	Inzer		

—6

Said bill was then read a third time at length and passed.

Yeas, 23; Nays, 7.

Yeas:

Messrs:

Bonner	Ellis	Jones (Conecuh)	Powell
Caffey	Foster	Martin	Slone
Carlton	Garth	McNeil	Teasley
Carmichael	Griffith	Nolen	Tunstall
Craft	Hildreth	Oliver	Waddell
Duncan	Jones (Barbour)	Overton	

—23

Nays:

Messrs:

Brooks	Howle	Inzer	Pelham
Brower	Hudgens	Johnson	

—7

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 221. To authorize the increase of the Capital Stock or shares of Building and Loan Associations organized under the laws of this State.

And ordered same sent forthwith to the Senate without engrossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 221, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts:

And ordered same sent forthwith to the Senate without engrossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 157, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the Sheriffs of the Counties in the State for feeding prisoners in the County jails during the fiscal year ending September 30, 1922, and which are unpaid.

And ordered same sent forthwith to the Senate without engrossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 235, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Ashcraft of Lauderdale. (By request):

H. 165. To regulate further the Highway Department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing house message was read once and referred to appropriate Standing Committee as follows:

H. 165, to the Committee on Public Roads and Highways.

BILLS ON THIRD READING RESUMED.

The Bill:

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars, (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

Garth

Griffith

Hildreth

Howle

Hutson

Inzer

Johnson

Jones (Barbour)	McNeil	Overton	Slone
Jones (Conecuh)	Nolen	Pelham	Teasley
Martin	Oliver	Powell	Tunstall

—28

Nays:—None.

The Bill:

S. 91. To amend section 1 of "An Act to provide for the institution and prosecution of misdemeanors in the circuit court of Madison county, otherwise than by indictment by the grand jury." Approved February 11, 1919.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Hutson	Nolen
Brooks	Ellis	Inzer	Oliver
Brower	Foster	Johnson	Overton
Caffey	Garth	Jones (Barbour)	Pelham
Carlton	Griffith	Jones (Conecuh)	Powell
Carmichael	Hildreth	Martin	Slone
Craft	Hudgens	McNeil	Waddell

—28

Nays:—None.

The Bill:

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an act approved April 4, 1911, entitled "An Act to establish in precinct one, in Madison county, Alabama, an inferior court in lieu of all justices of the peace, and notaries public with the power of the justices of the peace, in said precinct to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court, and the judge thereof."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Inzer	Oliver
Brooks	Ellis	Johnson	Overton
Brower	Foster	Jones (Barbour)	Pelham
Caffey	Garth	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell

—28

Nays:—None.

On motion of Mr. Duncan the further consideration of

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties

to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Was postponed until the next Legislative Day without losing its place on the calendar.

On motion of Mr. Griffith the further consideration of:

S. 138. To prohibit the operation for hire or reward of pool tables, pin pool tables, billiard tables, or tables on which games of like kind are played in the State of Alabama, and to provide for the enforcement thereof.

Was postponed until the next Legislative Day without losing its place on the calendar.

The Bill:

H. 10. To validate the levy of the five mill county tax of Escambia County heretofore made and to authorize said County to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Was read a third time at length and passed.

Yeas, 26; Nays, 1.

Yeas:

Messrs:

Bonner	Duncan	Johnson	Oliver
Brooks	Ellis	Jones (Barbour)	Pelham
Brower	Foster	Jones (Concuh)	Powell
Caffey	Hildreth	Martin	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Inzer		

—26

Nays:—Mr. Waddell—1.

The Bill:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

Was taken up.

Mr. Bonner moves that the further consideration of this Bill be indefinitely postponed.

Mr. Jones of Barbour moves that the motion of Mr. Bonner be laid on the table, which motion prevailed and the motion of Mr. Bonner was laid on the table.

Yeas, 25; Nays, 2.

Yeas:

Messrs:			
Brooks	Foster	Johnson	Overton
Brower	Garth	Jones (Barbour)	Pelham
Caffey	Hildreth	Martin	Powell
Carlton	Howle	McNeil	Slone
Carmichael	Hudgens	Nolen	Teasley
Craft	Inzer	Oliver	Tunstall
Ellis			

—25

Nays:

Messrs:		
Bonner	Waddell	

—2

Said bill was then read a third time at length and passed.
Yeas, 25; Nays, 2.

Yeas:

Messrs:			
Brooks	Foster	Johnson	Overton
Brower	Garth	Jones (Barbour)	Pelham
Caffey	Hildreth	Martin	Powell
Carlton	Howle	McNeil	Slone
Carmichael	Hudgens	Nolen	Teasley
Craft	Inzer	Oliver	Tunstall
Ellis			

—25

Nays:

Messrs:		
Bonner	Waddell	

—2

The Bill:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and Second street, now known as 70th Street; that part of First street, now known as 69th street, which lies between Underwood avenue and Walker avenue; the alley which lies between Underwood avenue and Walker avenue; from its intersection with "A" or 68th street, and Second, or 70th street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn and by the East Lake Land Company's map of its survey of East Lake; and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

Was read a third time at length and passed.

Yeas, 26; Nays, 0.

Yeas:

Messrs:			
Bonner	Caffey	Craft	Foster
Brooks	Carlton	Duncan	Garth
Brower	Carmichael	Ellis	Griffith

Hildreth
Howle
Hudgens
Inzer

Johnson
Jones (Barbour)
McNeill
Nolen

Oliver
Pelham
Stone

Teasley
Tunstall
Waddell

—26

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House Bills, your signature thereto is requested.

H. 82. To make an appropriation for tick eradication.

Also:

H. 70. To create the office of deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than two hundred thousand, according to the last, or any subsequent Federal census; to provide for the appointment of such officer and the election of his successor; to prescribe the duties, authorities and to fix the compensation of such deputy circuit clerk.

Also:

H. 87. To regulate further the general revenue laws of the State, so as to create a new State Tax Commission, and to abolish the tax adjusters and boards of county tax adjusters.

Also:

H. J. R. 24. Requesting the Highway Department to furnish at its earliest convenience a detailed report of salaries, expenses, mileage, bridges, and all other information desired relative to this Department.

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their title had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 113. To fix the compensation of Circuit Clerk of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal Census.

Also:

H. 162. To fix the compensation or salary of Probate Judge of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal Census and to provide for paying same.

Also:

H. 200. To fix the salary of the Deputy Solicitor for Butler County, Alabama.

With notice and Proof thereto attached and herewith exhibited as follows:

A BILL.

State of Alabama, }
Butler County. }

Notice is hereby given that application will be made in the Legislature of Alabama, at the 1923 session thereof, for the passage of the following Bill, to-wit:

A Bill To Be Entitled An Act to Fix the Salary of the Deputy Solicitor for Butler County, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That the salary of the Deputy Solicitor for Butler County, Alabama, be, and the same hereby is, fixed at the sum of Twelve Hundred Dollars (\$1200.00) per year, payable in monthly installments of One Hundred Dollars (\$100.00) per month, provided, however, that the said salary shall be paid from the fees earned by such solicitor in the county court, and should the said fees so earned in the county court be less than the sum of Twelve Hundred Dollars (\$1200.00) per year, then the salary of the Deputy Solicitor of Butler County, Alabama, shall be the fees earned in the county court of Butler County for the Calendar year.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act hereby are repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor.

State of Alabama, }
Butler County. }

Before me, J. S. Stockton, Register Circuit Court, in Equity in and for said County and State, this day personally appeared F. W. Stanley, known to me to be the Editor and Business Manager of the Greenville Advocate, a newspaper published in Greenville, Butler County, Alabama, who being by me duly sworn, deposes and says, that the attached notice to fix the salary of the Deputy Solicitor for Butler County, Alabama, was published once a week for four consecutive weeks in said newspaper before the making of this affidavit, to-wit, in Number 22 Volume LVIII, Number 24 Volume LVIII, Number 26 Volume LVIII, Number 28 Volume LVIII, and bearing dates 5th, 12th, 19th, 26th January, 1923, respectively.

F. W. Stanley.

Subscribed and sworn to before me this the 29th day of Jany., 1923.

J. S. Stockton,

(SEAL)

Register Circuit Court, in Equity.

Also:

H. 178. To amend Section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local,

private and special in conflict with said section as hereby amended."

And ordered same sent forthwith to the Senate without En-grossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing house message were severally read once and referred to appropriate Standing Committees, as follows:

H. 113, H. 162, H. 178, to the Committee on Revision of Laws.

H. 200, to the Committee on Local Legislation.

ADJOURNMENT.

At 4:45 P. M., on motion of Mr. Waddell and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday morning, February 6th, at 10:00 A. M.

THIRTEENTH DAY

Tuesday, February 6th, 1923.

The Senate met, pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Jenkins, Doorkeeper of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams

Bonner

~~Brooks~~

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

~~Garth~~

Griffith

Hildreth

Horton

Howle

Hudgens

Hutson

Inzer

~~Johnson~~

Jones (Barbour)

Jones (Conecuh)

Martin

Middleton

McNeil

Nolen

Oliver

Overton

~~Pellham~~

Powell

Randall

Slone

Teasley

Tunstall

Waddell

—35

JOURNAL.

On motion of Mr. Inzer, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

CONSIDERATION OF SPECIAL ORDERS.

The Senate proceeded to consider the first special order for this hour, which was:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

The Committee on Finance and Taxation offered the following substitute for said bill, to-wit:

SENATE SUBSTITUTE TO HOUSE BILL 163

A Bill to be entitled an Act, imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act.

Be it enacted by the Legislature of Alabama, That:

Section 1. As used in this Act the term "gasoline" shall include gasoline, naphtha, and other liquid motor fuels commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commercially known as "kerosene oil," "distillates," "gas oil," "fuel oil," or "crude oil."

The word "person" means and includes every person, corporation, co-partnership, companies, agencies or associations.

The word "distributor" shall include any person who shall sell gasoline as herein defined in this State by wholesale, but shall not apply to any transaction in interstate commerce.

The term "retail dealer" shall include any person as herein defined engaged in the sale of gasoline as herein defined at any place in this State in broken quantities.

Section 2. Any retail dealer in gasoline shall pay an excise tax of two cents per gallons upon the sale of gasoline by said retailer in this State, provided that any gasoline sold in interstate commerce shall not be taxed.

Section 3. On or before the 20th day of each month after this act shall take effect, every distributor of gasoline and every retail dealer of gasoline shall render to the State Tax Commission on forms prescribed by said commission a true and correct statement of all gasoline sold by such distributor or retail dealer during the next preceding month liable for the payment of the excise tax herein prescribed, and shall furnish to said Commis-

sion such additional information as said Commission may require on blanks to be furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid.

The statement herein required to be made by the distributor or retail dealer shall be sworn to before some officer authorized to administer oaths and the making of any false or fraudulent statement shall constitute perjury, upon the conviction of which the person so convicted shall be punished as otherwise provided by law for the crime of perjury.

Section 4. All distributors or retail dealers shall keep in Alabama at some certain place or office such books, documents or papers as will show clearly the amount of sales of gasoline made in this State covered by this Act.

Section 5. Within thirty days after the passage of this Act every distributor and retail dealer engaged in the sale of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or retail dealer of gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose. After this Act becomes effective, no person shall engage in selling as a distributor or retail dealer any gasoline covered by the provisions of this Act in this State until he shall have made such report to the State Tax Commission.

Section 6. If any distributor or retail dealer in gasoline in this State covered by the provisions of this Act shall fail to make any report to the State Tax Commission as required herein, he shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Fifty (\$50.00) nor more than two hundred Dollars (\$200.00) for each offense.

Section 7. It shall be the duty of the State Tax Commission to enforce the provisions of this Act and the said Commission shall have the right itself or by any of its members or agents to examine the books of every such distributor or retail dealer of gasoline covered by this Act.

Section 8. The proceeds of the excise tax prescribed in this Act shall be divided between the State and the several counties thereof as follows: One-half of such proceeds shall be paid into the State Treasury to the credit of the general fund to be used for general state purposes; the other half shall be divided and distributed equally among the sixty-seven counties of the State. The one-half of such proceeds due the several counties when collected by the State Tax Commission shall be paid to the State Treasurer, and the State Tax Commission shall also at the same time certify to the State Auditor the amount which is due to

each county. The State Auditor shall at the end of each month after the said funds are so certified to him draw his warrant upon the State Treasurer payable to the County Treasurer or the County Depositary of each of the several counties for the several amounts so due each county; and each of the county treasurers or county depositaries of the several counties so receiving such warrants shall place such warrants or the proceeds thereof to the credit of the road and bridge fund of the particular county. And such fund so placed to the credit of the road and bridge fund in each county shall be used for the construction and maintenance of the public highways and bridges in such counties and for no other purpose.

Section 9. The acceptance of any amount paid for the excise tax provided for in this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. The forms of all statements and reports required herein shall be prescribed and furnished by the State Tax Commission. All costs of the enforcement of this act shall be paid out of the funds derived from the excise tax herein prescribed, upon the warrant of the State Auditor drawn upon the voucher of the Chairman of the State Tax Commission and approved by the Governor.

Section 11. If any distributor or retail dealer of gasoline covered by this Act fail to make the prescribed monthly return, the State Tax Commission shall make a return for such delinquent upon such information as may be reasonably obtained, assess the tax thereon, and add a penalty of 25% of the tax to the amount as assessed. The State Tax Commission shall as soon as practicable and before the thirtieth day of each month certify to the State Treasurer the names of all persons liable to pay the tax herein provided, together with the post office address and the amount of the tax and if any such taxes shall not have been paid, the Chairman of the State Tax Commission shall issue executions for the collection of such taxes directed to any sheriff of the State, who shall proceed to collect the same in the manner now prescribed by law for the collection of delinquent taxes by County Tax Collectors and make return of such executions to the State Tax Commission.

The taxes and all penalties herein provided for shall be held as a debt payable to the State by the person against whom the same shall be charged, and all such taxes, penalties and assessments shall be a lien upon all property on this State of the party charged therewith.

Section 12. If the distributor and the retailer agree that the distributor shall pay such excise tax then the distributor shall

collect from the retailer and pay to the State Tax Commission the excise tax in this Act provided. No retail dealer shall be again required to pay such excise tax when the same shall have been so collected and paid by the distributor.

Section 13. Any distributor or retail dealer who shall violate any of the provisions of this act may be restrained by proper proceedings instituted in the name of the State of Alabama by the Attorney General or any Circuit Solicitor from either distributing or selling gasoline, the sale of which is taxable in this State, until he shall have complied with the provisions of this Act.

Section 14. All other State excise and inspection taxes on the sale of gasoline imposed before the passage of this Act shall be and the same are hereby repealed, and all State laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 15. Should any section or any part of this Act be declared unconstitutional it shall not invalidate the remainder thereof.

Section 16. This Act shall take effect on the first day of the month next succeeding its passage.

Mr. Brower offered the following amendment to said substitute, to-wit:

Amend substitute for H. 163 by striking out section 8 thereof and inserting in lieu thereof the following:

"Section 8. The proceeds of the excise tax prescribed in this Act shall be divided between the State and the several counties thereof, as follows:

Fifty per cent of such proceeds shall be paid into the State Treasury to the credit of the General Fund to be used for general State purposes, and fifty per cent of all taxes collected under the provisions of this Act shall be credited to the county where the tax was collected and shall be used only for the purpose of construction, maintenance, and repair of roads and highways in said county."

Mr. Powell moved that the amendment offered by Mr. Brower be laid on the table, which motion prevailed and said amendment was tabled.

Yeas, 27; nays, 6.

Yeas:

Messrs:

Adams
Brooks
Caffey
Carlton
Carmichael
Duncan
Foster

Griffith
Hildreth
Howle
Hudgens
Hutson
Inzer
Johnson

Jones (Barbour)
Jones (Conecuh)
Martin
Middleton
McNeil
Nolen
Oliver

Overton
Pelham
Powell
Randall
Stone
Teasley

Nays:

Messrs:

Brower

Craft

Ellis
Garth

Tunstall

Waddell

—6

Mr. Jones of Barbour, offered the following amendment to said substitute:

Amend Senate Committee Substitute for House Bill No. 163 by substituting for Section eight thereof the following:

"Section 8. The revenue which may be derived from the excise tax prescribed by this Act shall be divided equally among the several counties of this State and shall be used for the construction and maintenance of public highways of the several counties of this State under the control and management of the several courts of county commissioners or Boards of Revenue of the respective counties. Such tax shall be paid by the State Tax Commission to the State Treasurer and such Tax Commission shall certify to the State Auditor the amount of such taxes due each county. The State auditor shall thereupon each month draw his warrants upon the State Treasurer payable to the Judges of Probate of the several counties for the several amounts due each county to be by such Judge of Probate placed to the credit of the Road and Bridge fund of such county, and shall be used for the construction and maintenance of public highways in such counties and for no other purpose."

Mr. Inzer moved that the amendment offered by Mr. Jones of Barbour be laid on the table, which motion prevailed and the amendment was tabled.

Yeas, 25; nays, 8.

Yeas:

Messrs:

Adams

Brooks

Caffey

Duncan

Ellis

Foster

Garth

Griffith

Hildreth

Horton

Howle

Hutson

Inzer

Johnson

McNell

Nolen

Oliver

Overton

Pelham

Powell

Randall

Slone

Teasley

Tunstall

Waddell

—25

Nays:

Messrs:

Carlton

Carmichael

Craft

Hudgens

Jones (Barbour)

Jones (Conecuh)

Martin

Middleton

—8

Mr. Duncan offered the following amendment to said substitute:

Amend substitute for H. 163 by adding:

After the term "crude oil" at the last of the first paragraph of Section 1, the following, "and as used in this act the term 'lubricating oil' shall include any and all oils of whatsoever nature that may be used for lubricating purposes; and

After the word "taxed" at the end of the first paragraph of Section 2, by adding the following words "and any retail dealer in lubricating oils shall pay excise tax of two cents per quart upon the sale of lubricating oils by said retailer in this State, providing that any lubricating oils sold in interstate commerce shall not be taxed;" and

After the word "gasoline" in each place as used in this act, insert the words "and lubricating oils."

Mr. Foster moved to lay the amendment offered by Mr. Duncan, on the table, which motion prevailed and the amendment was tabled.

Yeas, 30; nays, 2.

Yeas:

Messrs:

Adams	Garth	Jones (Barbour)	Overton
Brooks	Griffith	Jones (Conecuh)	Pelham
Caffey	Hildreth	Martin	Powell
Carlton	Horton	Middleton	Randall
Carmichael	Howle	McNeill	Slone
Craft	Hudgens	Nolen	Teasley
Ellis	Inzer	Oliver	Tunstall
Foster	Johnson		

—30

Nays:

Messrs:

Duncan Hutson

—2

Mr. Hutson offered the following amendment to said substitute:

Amend substitute for H. 163, as follows:

Amend by striking out of Section 8 "To the credit of the general funds to be used for general purposes" where it occurs therein and insert in lieu thereof the following, "To the credit of a special fund to be used by the Governor only in repairing the highways of the State, provided further, he may in his discretion turn over to any Board of County Commissioners or Board of Revenue of any county for road repair any part of such fund."

Mr. Griffith moved to table the amendment offered by Mr. Hutson, which motion prevailed and the amendment was laid on the table.

Yeas, 30; nays, 4.

Yeas:

Messrs:

Adams	Carmichael	Garth	Howle
Brooks	Craft	Griffith	Hudgens
Caffey	Ellis	Hildreth	Inzer
Carlton	Foster	Horton	Johnson

Jones (Barbour) Nolen
 Jones (Conecuh) Oliver
 Middleton Overton
 McNeil Pelham

Powell
 Randall
 Slone
 Teasley
 Tunstall
 Waddell

—30

Nays:

Messrs:
 Brower

Duncan

Hutson

Martin

—4

Mr. Jones of Barbour, offered the following amendment to said substitute:

Amend Senate Committee Substitute for House Bill by substituting in lieu of Section 8 thereof the following:

"Section 8. The revenue which may be derived from the excise tax prescribed by this act shall be divided equally among the several counties of this State after the close of business Sept. 30th, 1923; until September 30th, 1923, the revenue shall be divided in the following manner: One-half of said revenue shall be placed in the State treasury to the credit of the general fund and the other one-half of said revenue shall be divided equally among the several counties of this State; all funds provided for in this section to be divided among the several counties shall be devoted by said counties exclusively to the construction and maintenance of public roads under the control and management of the local body in charge of the highways in said county. The revenue derived from this excise tax shall be paid by the State Tax Commission into the State treasury and the Tax Commission shall certify to the State auditor at regular monthly intervals the amount of tax due each county for the month preceding, and the State Auditor will thereupon draw his warrants upon the State Treasurer to the order of the several probate judges of the several counties for the several amounts due their counties to be by such probate judges placed in the county repository to the credit of the road and bridge fund for such county; and said funds so delivered to the several counties shall under no circumstances be used for any purpose other than the maintenance and construction of roads and bridges.

Mr. Ellis moved that the amendment offered by Mr. Jones of Barbour be laid on the table, which motion prevailed and the amendment was tabled.

Yeas, 28; nays, 6.

Yeas:

Messrs:

Adams
 Brooks
 Brower
 Caffey
 Carlton
 Craft
 Duncan
 Ellis

Foster
 Garth
 Griffith
 Hildreth

Horton
 Hudgens
 Hutson
 Inzer

Martin
Middleton
McNeil

Nolen
Oliver
Overton

Powell
Randall
Slone

Teasley
Tunstall
Waddell

—28

Nays:

Messrs:

Carmichael
Howle

Johnson
Jones (Barbour)

Jones (Conecuh) Pelham

—6

Mr. Martin offered the following amendment to said substitute:

Amend substitute for H. 163 as follows:

Amend Section 8 of said Substitute Bill by striking the words "one-half" on the 3rd line of said Section 8, and substituting the words "one-fourth." Amend said Section 8 further by striking the words "other half" on the 6th line of said section and substitute therefor the words "three fourths". Amend the said section further by striking the words "one half" in 8th line of said section and substituting the words "three fourths."

Mr. Foster moved that the amendment offered by Mr. Martin be laid on the table, which motion prevailed and said amendment was tabled.

Yeas, 23; nays, 11.

Yeas:

Messrs:

Adams
Brooks
Brower
Caffey
Carlton
Craft

Duncan
Ellis
Foster
Garth
Griffith
Hildreth

Howle
Johnson
McNeill
Nolen
Oliver
Overton

Randall
Slone
Teasley
Tunstall
Waddell

—23

Nays:

Messrs:

Bonner
Carmichael
Horton

Hudgens
Hutson
Inzer

Jones (Conecuh)
Jones (Barbour)
Martin

Pelham
Powell

—11

Mr. Craft offered the following amendment to said substitute:

Amend Section 8 of Substitute to H. 163 to give the entire Motor Fuel Tax to the State Treasury up to July 1st, 1923. And after that date July 1st, 1923. The Motor Fuel Tax to be equally divided between the several counties of the State and State Highway Department. One half of the motor fuel to be given to be equally divided between the sixty-seven counties for road maintenance to the roads of all such counties only.

The other half of the entire Motor Fuel Tax to go to the State Highway Department to maintenance of the State Highway system.

Mr. Powell moved that the amendment of Mr. Craft be laid on the table, which motion prevailed and said amendment was tabled.

Yes, 25; nays, 7.

Yeas:

Messrs:

Adams	Overton	Johnson	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	McNeill	Slone
Duncan	Howle	No'en	Tunstall
Ellis	Inzer	Oliver	Waddell
Garth			

—25

Nays:

Messrs:

Bonner	Carmichael	Hudgens	Teasley
Brower	Craft	Hutson	

—7

Mr. Jones of Barbour offered the following amendment to said substitute:

Amend Section eight of the Committee Substitute for House Bill No. 163 by inserting between the word "general" and the word "fund" wherever they appear the words "public school."

Mr. Inzer moved that the Amendment of Mr. Jones of Barbour be laid on the table, which motion prevailed and the amendment was tabled.

Yeas, 30; nays, 3.

Yeas:

Messrs:

Adams	Garth	Johnson	Pelham
Bonner	Griffith	Jones (Conecuh)	Powell
Brooks	Hildreth	Martin	Randall
Caffey	Horton	McNeill	Slone
Carlton	Howle	Nolen	Teasley
Carmichael	Hudgens	Oliver	Tunstall
Duncan	Hutson	Overton	Waddell
Ellis	Inzer		

—30

Nays:

Messrs:

Brower	Craft	Jones (Barbour)
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—3

Mr. Brower offered the following amendment to said substitute:

Amend substitute for H. 163 by substituting for Section 8 of the substitute bill the following:

Section 8. 50% of the taxes collected under this act shall be paid into the State treasury to the credit of the general fund to be expended for general state purposes.

50% of the taxes collected under this act shall be divided among the 67 counties of the State on the basis of and in proportion to mileage of public roads and highways in each of said counties as of the date of the passage of this act.

Mr. Hildreth moved to lay the amendment offered by Mr. Brower on the table, which motion prevailed and the amendment was tabled.

Yes, 29; nays, 4.

Yeas:

Messrs:

Adams	Foster	Inzer	Oliver
Bonner	Griffith	Johnson	Overton
Brooks	Hildreth	Jones (Conecuh)	Pelham
Caffey	Horton	Martin	Randall
Carlton	Howle	Middleton	Slone
Carmichael	Hudgens	McNeil	Tunstall
Duncan	Hutson	Nolen	Waddell
Ellis			

—29

Nays:

Messrs:

Brower	Craft	Jones (Barbour)	Teasley
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—4

And the substitute offered by the Committee on Finance and Taxation was then adopted.

Yeas, 27; nays, 8.

Yeas:

Messrs:

Adams	Foster	Inzer	Powell
Brooks	Griffith	Middleton	Randall
Caffey	Hildreth	McNeil	Slone
Carlton	Horton	Nolen	Teasley
Carmichael	Howle	Oliver	Tunstall
Duncan	Hudgens	Overton	Waddell
Ellis	Johnson	Pelham	

—27

Nays:

Messrs:

Bonner	Craft	Hutson	Jones (Conecuh)
Brower	Garth	Jones (Barbour)	Martin

—8

And said bill as thus amended was read a third time at length and passed.

Yeas, 26; nays, 8.

Yeas:

Messrs:

Adams	Carlton	Ellis	Hildreth
Brooks	Carmichael	Foster	Howle
Caffey	Duncan	Griffith	Hudgens

Inzer
Johnson
Middleton
McNeil

Nolen
Oliver
Overton
Pelham

Powell
Randall
Slone

Teasley
Tunstall
Waddell

—26

Nays:

Messrs:

Bonner
Brower

Craft
Garth

Hutson
Jones (Barbour)

Jones (Conecuh)
Martin

—8

REPORTS OF COMMITTEES.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tunstall (with amendment):

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

By Mr. Norman:

H. 235. To appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for the feeding of prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite (by request):

H. 125. To amend an Act entitled "An Act to establish an Inferior Criminal Court for Jefferson County, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

By Mr. Howze (by request):

H. 113. To fix the compensation of Circuit Clerks of all counties of the State of Alabama having a population of more

than 200,000 according to the last or any subsequent Federal census.

By Mr. Fite:

H. 162. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

By Mr. Howze:

H. 221. To authorize the increase of the capital stock or shares of Building and Loan Associations organized under the laws of this State.

By Mr. Jeter:

H. 120. To fix and regulate the compensation of the Registers of the Circuit Court in counties in the State having more than two hundred thousand population according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Varner (with amendment):

H. 177. To amend an Act entitled "An Act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said Board," approved February 13, 1919.

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ashcraft of Lauderdale:

H. 165. To regulate further the Highway Department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

RESOLUTION

Mr. Martin of the Rules Committee reported the following resolution:

S. R. 66. Resolved by the Senate of Alabama, that the vote on the H. B. 163 and pending amendments, be taken not later than 1 o'clock, P. M., Feb. 6, 1923.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House Bill, your signature thereto is requested:

H. 136. For the relief of J. W. Kirtland and to appropriate for said J. W. Kirtland the sum of \$1,354.78 for services rendered by him as rate clerk for the Alabama Public Service Commission.

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 14. To provide for the election of county superintendents of education in each of the several counties of the State of Alabama, by the qualified electors of such county; to prescribe his or her qualifications and duties and to provide for the salary and compensations of such officer, and to provide for the election of a county superintendent of education by the County Board of Education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committee as follows:

H. 14. To the Committee on Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 108. To repeal an Act entitled "An Act to regulate the fees of the Judge of the County Court of Franklin County, Alabama." Approved February 21, 1893.

With notice and proof hereto attached and herewith exhibited as follows:

EXHIBIT "A."

An act to repeal an act entitled: "An act to regulate the fees of the Judge of the County Court of Franklin County, Alabama." Approved February 21, 1893.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled: "An act to regulate the fees of the judge of the County Court of Franklin county, Alabama; approved February 21, 1893, be and the same is hereby repealed.

Section 2. That all laws and parts and the same is hereby repealed of laws in conflict herewith be and the same is hereby repealed.

State of Alabama, }
Franklin County. }

Before me, B. H. Sargent, a Notary Public in and for said State and county, came L. L. Jackson, who being duly sworn, states and says as follows:

That he is owner and editor of the Franklin Times, a weekly newspaper published in the City of Russellville, County of Franklin and State of Alabama; that the bill attached hereto was duly published in said newspaper on the following dates: December 21, 1922, December 28, 1922, January 4, 1923, and January 11, 1923. A copy of the publication as published in said newspaper and clipped therefrom is pasted to a sheet attached hereto marked Exhibit A and made a part of this affidavit.

L. L. Jackson,
Editor and Owner.

Sworn to and subscribed before me on this the 19th day of January, 1923.

B. H. Sargent,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills on the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 108. To the Committee on Local Legislation.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 17. To validate certain bonds heretofore issued by municipal corporations in Alabama.

Whereas, section 11 of an act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds," contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

S. 42. To alter and rearrange the boundary lines of the City of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes, and also to alter and rearrange the boundary lines and to describe the area included in the city limits for school purposes and as a school district composed of the city of Talladega, Alabama.

C. R. Horton,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate Bill and returns same to the Senate:

S. 49. To amend Section 5439 of the Code of Alabama of 1907.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 97. To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

Also:

S. 95. To fix the compensation of Circuit Clerks of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Also:

S. 96. To fix the compensation or salary of probate judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

H. 46. To amend Sections 3615 and 3622 of the Code of 1907. And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 46. To the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and sends same herewith to the Senate without engrossment:

By Mr. Fanning (with notice and proof):

H. 231. To repeal an Act entitled "An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend Section 1 of an Act entitled 'An Act to create a County Highway Commission for Walker County, Alabama, and to define the powers and duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

With Notice and Proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of an act to repeal the

act of the Legislature of Alabama, approved February 15th, 1919, together with the amendment of said Act approved Sept. 23rd, 1919, said Act of the Legislature as so amended reading as follows:

An Act, to create a County Highway Commission for Walker County, Alabama and to define the powers and duties thereof.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That a County Highway Commission for Walker County to consist of three members, who shall be freeholders and residents in said county is hereby created and established. The Governor shall designate the member to be Chairman of the said Commission. One member of the Commission shall hold office for two years, and until his successor is appointed and qualified, one member shall hold office for four years and until his successor is appointed and qualified; and one member shall hold office for six years and until his successor is appointed and qualified. Provided further that the two members of the Commission now serving shall continue to hold office until the expiration of their terms and until their successors are appointed and qualified. Provided further that the members of the Commission to be appointed under this section shall hold office for a term ending six years from the date of the approval of this amendment and until his successor is appointed and qualified. All vacancies occurring in said Commission shall be filled by the appointment of the Governor. Each member of the Commission shall hold office until his successor shall be appointed and qualified. Upon the approval of this amendment the Governor shall appoint the third member of said Commission as herein provided for. The Governor may at his discretion appoint two assistant Highway Commissioners, each of whom may exercise the same powers and authority as any one of the Commission and discharge the same duties.

Section 2. The members of the Highway Commission shall receive no compensation for their services but shall be paid all their actual expenses necessarily incurred in the prosecution of their duties. They shall be paid by County Treasurer out of the road and bridge fund of the County upon warrants issued by the Chairman of the County Highway Commission.

Section 3. The County Highway Commission is invested with the general superintendence of the public roads in Walker County and may establish new and change and discontinue old roads, and shall improve and maintain the public roads, bridges and ferries of said county so as to render travel over same as safe and convenient as practicable. To this end they are given legislative, executive and judicial power. They may establish, promulgate and enforce new rules, regulations and laws not inconsistent with this act, which are necessary to make, improve and maintain a good system of public roads, bridges and ferries in said County and regulate the use thereof.

Section 4. The said County Highway Commission is hereby given all the authority and power given to Courts of County Commissioners with reference to public roads, bridges and ferries by Chapter 135 of the Code of Alabama 1907.

Section 5. With the consent of the Court of County Commissioners the County Highway Commission may hire out to contractors for work on the public roads all county convicts. Nothing herein contained shall be construed as depriving the Court of Commissioners of supervision of the convicts hired on the public roads, but such court shall have and exercise such supervision and shall be charged with the same duties as to such convicts as now provided by law, and shall prescribe the forms of contracts and bonds to be made and given for the hire of convicts on said roads.

Section 6. The Chairman of the Commission shall keep or cause to be kept full and accurate minutes of the meetings, and of all things done at such meetings of the County Highway Commission in a well bound record

book, to be paid for out of the road and bridge fund, which shall be out of the public records of the county, and be kept in the office of the Probate Judge of said County. County Highway Commission shall also have prepared at the expense of the road and bridge fund a book of warrants which warrants shall have stubs to be left in the warrant book. For all expenditures on account of the road and bridge fund the Chairman of the Commission shall draw warrants which shall state the name of the person in whose favor the warrant is drawn, and the amount thereof and the account for which it is drawn, and the stub shall contain a like statement. When presented to the County Treasurer such warrants shall be paid by him out of the road and bridge fund. When not being actually used by the Commission such books or warrants shall be in the custody of the Probate Judge. The Commission shall make a sworn, detailed statement at least once every six months of all warrants drawn on the road and bridge fund to whom and for what account paid, which statement shall be filed in the office of the Probate Judge and be open to public inspection. Reasonable compensation may be paid for clerical help for keeping the minutes of the meetings and for other clerical work which this Act requires the Chairman of the Commission to do.

Section 7. If an appeal is taken under section 5776 of the code, then the County Highway Commission, upon the deposit into court for the party whose land is sought to be condemned, of the amount of the damages and compensation so assessed, to either with the cost of the proceeding, shall be entitled to enter upon the land so condemned, and survey and use the same, provided, however, that the easements shall not vest absolutely until final determination of the cause, and the payment or deposit into court of such damages and compensation as shall then be adjudged.

Section 8. The members of the Commission shall, before entering upon the duties of the office, take an oath to be administered by the Probate Judge, to faithfully perform the duties of the office.

Section 9. The said County Highway Commission shall be vested with all the power, authority and duties now conferred by law upon the Court of County Commissioners with reference to every matter relating in any way to the construction, maintenance, improvement and repair of roads, bridges, and ferries, including the right to order elections for the issuance of bonds, and the power and right to sell and issue any bonds that have heretofore been authorized, as required by law, but which have not been sold and issued.

Section 10. That an Act entitled "An Act to better provide for establishing, working and maintaining the public roads and bridges of Walker county, Alabama, approved March 1, 1901, and also an act entitled an Act to amend an Act entitled an Act to better provide for establishing, working and maintaining the public roads of Walker County, Alabama, approved March 1, 1901, and approved March 6, 1903, and shall be and are hereby repealed.

Section 11. That all laws in conflict with this Act local, general and special, in so far as they pertain to Walker County, Alabama, be, and the same are hereby repealed.

Given under my hand on this the 20th of December 1, 1922.

Charles H. Fanning,

Representative of the Legislature from Walker County.

State of Alabama, }

Walker County. }

Before me, a notary public in and for said county and State, personally appeared L. S. Richardson, publisher of The Mountain Eagle a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn, says that the attached "Notice" was published in The Moun-

tain Eagle for four consecutive weeks, as follows: Dec. 27th, 1922, Jan. 3rd, Jan. 10th and Jan. 17th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 25th day of January, 1923.

(Seal) W. E. Barrett,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 231. To Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

H. 90. To provide for the situs of debts to non-residents for the purpose of attachment.

Also:

H. 230. To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

With Notice and Proof hereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the next session of the Legislature of Alabama on 1923 in substance as follows:

To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners with the regard to same, and to fix penalties for the violation of the rules, regulations and laws of the Court of County Commissioners.

Section 1. Be it enacted by the Legislature of Alabama; That the Court of County Commissioners of Walker County is invested with a general superintendence of the public roads, bridges and ferries within said county and may establish new, and change and discontinue old, roads, bridges and ferries of said County so as to render travel over the same as

safe and convenient as practicable. To this end they are given Legislative, judicial and executive powers, except as limited herein. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such Court; to build, construct, make, improve and maintain a good system of public roads, bridges and ferries in Walker County and regulate the use thereof, but no contract for the construction or repair of any public road, bridge or bridges shall be made where the payment of the contract price for such work shall extend over a period of more than ten years.

Section 2. That the Court of County Commissioners of Walker County, Alabama, is hereby given the right of eminent domain for the purpose of establishing and changing public roads, bridges and ferries in said County. Provided that when an appeal is taken from any assessment in condemnation proceeding brought by the County, such appeal shall not deprive the County obtaining the judgment of condemnation of right of entry for any and all purposes named in the condemnation proceeding provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less the double the amount of the damages assessed with good and sufficient sureties to be approved by the Clerk of the Court to which the appeal is taken conditioned to pay such damages as the owner of the proper may sustain.

Section 3. All male persons in Walker County over the age of eighteen years and under the age of forty-five years shall be required to work the public roads five days each year; provided, however, that those persons furnishing a team or teams shall be required to work the public roads, in addition to the furnishing of team or teams, two and one-half days each year; provided further that the labor of such persons may be commuted by paying to the person appointed by the Commission to collect the money the sum of \$4.00 on or before the first day of April of each year; provided further that any person who has not paid his road tax by April 1st, within two days after being warned to work the roads in the manner hereinafter provided may commute the same by paying \$5.00; provided further that any male person who shall attain the age of eighteen years before July 1 of any year shall be liable to road duty as provided in this Section, but may commute the same by paying to the person appointed by the Commission to collect the money the sum of \$4.00 within two days after having been warned to work the roads in the manner hereinafter provided; and provided further, that any person who has lost an arm or leg, and all persons who are by nature or disease rendered incapable of hard labor who shall procure a certificate of such incompetency by the County Board of Health, are exempt from road duty.

Section 4. That the County Commissioners of their respective districts in the County of Walker shall be supervisor over the roads and ~~bridges and ferries of his~~ respective district subject to the control and direction of the Commissioner's Court as a whole; that it shall be the duty of each Commissioner immediately after the passage of this act and on or before March 1 of each year to obtain a list of the persons in his respective district subject to road duty and on or before the tenth day of March thereafter such Commissioner shall file with the Judge of Probate an alphabetical list of each of such persons within road age and subject to road duty from each beat in his district; that such list shall be open at all reasonable times for inspection by the public.

Section 5. That the Probate Judge shall immediately after the filing of the list of those subject to road duty as required in the preceding Section cause the same to be published in a newspaper published in said County and that the Commissioner's Court shall provide for the expense of such publication.

Section 6. That the County Commissioners of their respective districts shall collect all money due and paid by those subject to road duty in lieu of such road duty, and turn the same over to the County Treasurer and take his receipt for the same, provided that such Commissioners may appoint assistants to collect said per capita road tax, but that such Commissioner shall be responsible for the acts of said assistant and may take bond from such assistant to protect such Commissioner from any loss such bond to be approved and filed with such Commissioner.

Section 7. That the Court of County Commissioners shall have authority to purchase such material, supplies, teams and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads and bridges of Walker County.

Section 8. The County Treasurer of said County shall immediately after the passage of this act and on or before the tenth day of January of each year thereafter prepare or cause to be prepared official road per capita tax receipts duly countersigned by him in books containing receipts with a stub attached to each receipt which said stub shall show the date and the person to whom each receipt is issued and the said stub and corresponding receipt shall each show the road district from which same is issued, and receipt book shall be furnished by said Treasurer to the County Commissioners of said County and said Treasurer shall require of said Commissioners receipts for said books of road tax receipts which receipts he shall retain for his use in making partial settlements with said Commissioner. All of said road per capita receipts shall be numbered consecutively and charged to the Commissioner obtaining same.

Section 9. It shall be the duty of such Commissioners of their respective districts of said County, where more than fifty persons reside in such precinct subject to road duty to make appointments at one stated public place in such precinct of their respective district at which time and place shall be present to receive said receipt for said per capita tax to persons desiring to pay the same in lieu of road duty; they shall give notice of such appointments by posting notices written or printed or partly written and partly printed, at not less than four public places in each of such precincts ten days before the date on which he will be present in said precinct, and they shall remain at their appointments in their respective districts from nine o'clock A. M., until three o'clock P. M. of said day. Provided such commissioners may have assistants to fill such appointments for the election of said per capita tax as hereinbefore provided for,

Section 10. The Commissioners or their assistants, shall receipt for said per capita tax on receipts furnished to them for that purpose by the Treasurer of said County.

Section 11. That all moneys collected in lieu of road duty shall be credited to the precinct from which it was paid and shall be spent in said precinct for the working, and maintenance of the roads and bridges of such precinct and for no other purpose.

Section 12. The Commissioners shall make their final settlement with the County Treasurer at their first regular meeting of the County Commissioners in December of each year. At which time the Commissioners shall each also make a written report to the Court of County Commissioners stating the number of per capita receipts they received from the Treasurer of said County, the number of receipts issued by them, in lieu of road duty, during the current year, the names of those who have paid their road tax to them and each and every expenditure made, and to whom and to what purpose the same was paid and shall make separate reports for each beat of their respective districts and such report so far as the amount of money collected and paid to the County Treasurer and receipts

obtained from the County Treasurer shall be certified by said County Treasurer of its correctness. Such reports shall be made in duplicate and one of such reports shall be filed with the Probate Judge of said County who shall immediately thereafter cause the same to be audited and published in a newspaper published in said County; that such Commissioners shall also be required to make any other statements and reports relative to their official acts, they may be directed to make by the County Commissioners; that if any Commissioner failed to turn in any of said receipts which they do not account for in their report and which were not collected by them and paid to the County Treasurer the Court of County Commissioners shall charge them with the same; should either of such Commissioners fail to account for any money received by them from the County Treasurer to be spent in the respective beats from which said money was paid, the same shall be charged to such Commissioners and they shall be liable for the same. Such defaults or failures on the part of such Commissioners shall be certified to the judge of probate who shall immediately turn the same over to the Solicitor of said County and whose duty it will be to proceed for the collection of said amount, in the manner provided by law.

Section 13. That any Commissioner failing to make such reports as required of him in the preceding Section or to do or perform any of the duties required of him in this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten, or more than five hundred dollars and may also be imprisoned in the County Jail or sentenced to hard labor for the County for not more than six months one or both at the discretion of the Court trying the cause.

Section 14. The County Commissioners in their respective districts shall place or cause to be placed suitable and plainly lettered sign boards at crossing of roads in their respective districts, shall measure or cause to be measured all public roads in their respective districts, and they shall prevent and remove any and all unnecessary obstructions of the public roads, and they shall institute prosecution against any person who obstructs the public road with fence or otherwise in their respective district.

Section 15. Any person occupying any part of a public road of said County with a fence or obstructing the same in any way shall remove such fence or other obstruction, immediately after the passage of this act, and failing to do so shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than five hundred dollars.

Section 16. Any person who issues any road receipts for per capita tax not official or not properly countersigned or any person using or issuing any per capita road receipt for some year other than the year from which it was intended or any person issuing any per capita road receipt when the amount due for same has not been properly paid shall be guilty of a misdemeanor, and shall be fined not less than ten or more than one hundred dollars.

Section 17. Any person who issues or caused to be issued a per capita road tax receipt in payment for or in part payment for work done on the public roads of said County or for material furnished for said road or bridges shall be guilty of a misdemeanor and on conviction shall be fined not less than ten or more than one hundred dollars.

Section 18. It shall be unlawful for any person to drive or ride faster than ten miles per hour across any road or bridge in said County, or to remove, deface or destroy any mile board or sign board on the public roads of said County, or to place or erect or cause to be erected or placed any telegraph pole or post at any point on said public road which may interfere with the proper working of the same, or for any person owning operating, controlling or managing any telephone or telegraph line to allow any telegraph or telephone wire or wire to hang across the public road of

said County at a height of less than twelve feet above the public road and any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than one or more than fifty dollars.

Section 19. In the prosecution of any road defaulter or of any person of any offense obstructing the public road of said county or for any offence in violation of this act or any Section thereof it shall not be necessary to prove by the records in the County that it is a public road, but that proof may be made by oral testimony.

Section 20. The Court of County Commissioners of Walker county, may, at its discretion employ the convicts of said County and of any other County in working the public roads and bridges thereof under such rules and regulations as they may adopt.

Section 21. Any person, liable to road duty having been warned to work any of the public roads of Walker County, Alabama, who failed or refused to work or pay after having been warned may within five days render his excuse to the County Commissioner of County of the district of which such warning was given, or to his assistants for such precinct, and such excuse may be accepted by him as legal but if no excuse is offered or if offered is not accepted it shall be the duty of the said County Commissioner of the respective district to immediately have instituted criminal proceedings against the party or parties failing or refusing to work and they shall be proceeded against as road defaulters.

Section 22. The County Court of Justices of the Peace of Walker County, Alabama, shall have jurisdiction of all prosecutions arising under this act.

Section 23. The County Commissioners in their respective districts or their assistants shall warn all hands subject to road duty on the roads, giving them not less than two days' notice served upon the person or left at the place of residence and such hands shall bring such tools as the Commissioner or his assistants may designate and any person so warned who fails or refuses to work without good cause or legal excuse either in person or sending a substitute with the proper tools, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars for each day in default, nor more than fifty dollars, and such fine when imposed shall be paid into the road and bridge fund for the benefit of the precinct from which the defaulter is prosecuted.

Section 24. It is hereby made the duty of every person, firm or corporation, employing more than three men in said county to furnish on the application of the Commissioners or either of them, or their assistants, the names of every man in their employment, and to specify if known to them the place of residence and approximate age of every employed man. And upon failing or refusing to do so, such person, firm or corporation or its agent in charge of such business, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten or more than one hundred dollars, for every man in their employment whose name was not furnished said Commissioner or his assistant and such demand may be made not more than once each month.

Section 25. Eight hours shall be a days' work under this act.

Section 26. All written notices of warning to work on the public roads of Walker County shall be signed by the Commissioner or his assistants of their respective districts, but same may be served by any person appointed to do so by a Commissioner of the district of which the warning is to be given.

Section 27. The Commissioner of either of the said districts may in his judgment and discretion appoint an assistant or assistants when conditions are such that it would be economy to the County Road's funds to do

so, but the said assistant shall not receive more than three dollars per day, to be allowed by the Court of County Commissioners of said County, for the time he is engaged in actual service in working or superintending the working of the public roads in said County. No assistant shall be appointed and no compensation shall be allowed to him by the Court of County Commissioners, except for the time he was actually engaged in such work. The Commissioners may employ as many overseers as they see fit when it is to the County's interest to do so. Such expense incurred under this Section shall be paid from the funds collected from the precincts wherein incurred.

Section 28. That each Commissioner shall enter into a bond of Five Thousand Dollars each with good and sufficient sureties conditioned for the faithful performance of his duties and for the accountability of all money coming into his hands in lieu of road duty or for any other purpose said bond to be approved by the Probate Judge of said County and filed with him. Such bond to be made and filed by the Present Commissioners within twenty days after the passage and approval of this act and failure to make such bond vacates his office. The expense of such bonds, if made by the bonding company, shall be paid by the county.

Section 29. No person elected to do road work under this act shall be required to work any public road more than six miles from his home.

Section 30. All funds received by the County from the hire of County Convicts and all funds that may be received from the State for and on account of the hire of convicts shall be deposited to the credit of the road and bridge fund of the county and shall be used for the construction and maintenance of the roads and bridges of the County, and for no other purpose.

Section 31. The Commissioners of their respective districts or their assistants, with their consent, may apportion the hands to work on the respective roads of the precincts and designate what roads are to be worked, and all roads used by the public should be maintained and worked so far as practicable to do so but such Commissioner shall take into consideration the importance of such road and the use thereof by the public in the working and maintaining of such road.

Section 32. The Court of County Commissioners of Walker County may contract the maintenance or upkeep of any graded road of the county requiring the contractor to give bond double the amount of the contract price for the faithful performance of such contract.

Section 33. Each Commissioner of Walker County shall be paid the sum of \$5.00 per day for each day's work performed by him, but shall not be allowed mileage to and from said Court provided that no Commissioner shall receive in any one year more than fifteen hundred dollars.

Section 34. The Commissioner's Court shall be empowered to make such rules and regulations as to road improvement not inconsistent with this act, as may be necessary to comply with any law of the State or Federal Government extending State or Federal Aid.

Section 35 A. That there is hereby levied, fixed, imposed and to be paid 2c per gallon on all gasoline, kerosene, naphtha or other motor fuel used, sold or purchased in Walker County, Alabama, for the purpose of propelling motor vehicles of any kind over, along or across any of the public roads of said County, which amount when collected shall go into the road and bridge for said County and used exclusively for the working, maintaining and building of roads and bridges in said County.

Section 35 B. That each and every retail dealer in said County, shall pay to the County Treasurer of said County the sum of two cents on each and every gallon of gasoline, naphtha or other motor fuel or kerosene, sold by them to persons for the purpose of operating motor vehicles in said

County or for any other purpose, the same to be paid on or before the tenth day of each month for all sold the previous month; and that such retail dealer shall furnish to the County Treasurer on or before the tenth of each month the amount of gasoline or kerosene sold by him for any purpose during the previous month, and the person, firm or corporation from whom he purchased such gasoline or kerosene.

Section 35 C. That each person, firm or corporation engaged in selling gasoline or kerosene, naphtha or other motor fuel to retail dealers shall file with the Treasurer of Walker County, Alabama, a statement of the amount of such gasoline or kerosene sold or delivered by it or them and the name and address of the person, firm or corporation to whom such sales were made, which statement must be filed not later than the tenth day of each month, showing the amount so sold or delivered the previous month.

Section 35 D. That any person, firm or corporation who violates any of the provisions of the two preceding sections shall be guilty of a misdemeanor and shall be fined for each such violation not less than ten dollars nor more than five hundred dollars, and all of such fines shall go into the road and bridge fund for said County.

Section 35 E. That it shall be the duty of the County Commissioners of their respective districts to see that the provisions of Section 35 A to 35 D be enforced and to start proceedings for the collection of such amounts due under said provisions and to institute Criminal Proceedings against any one who fails to comply with the requirements thereof.

Section 36. If any section or provision of this act shall be declared void or unconstitutional it shall not effect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void or unconstitutional.

Section 37. That this act shall become effective upon its approval by the Governor.

Section 38. That all laws and parts of laws, local, general and special in conflict with this act be and the same are hereby repealed.

Chas. H. Fanning,
James B. Powell,

Representatives Elect from Walker County, Alabama.

January 2, 1923.

To the Voters of Walker County Alabama:

We are having published in The Mountain Eagle of this week a proposed road law for Walker County. It is no easy matter to frame a road law to meet every requirement for the working and maintaining of the roads of the County. We have advised with many of the leading citizens of the County and have their approval of the proposed Road Law which we are publishing in this week's paper. We would be glad to have suggestions from any person interested in the Road Law of the County and to have these suggestions in writing addressed to us at Jasper, Alabama, as to any changes or suggestions that would be beneficial.

Respectfully,

Chas. H. Fanning,
James B. Powell,

Representatives Elect from Walker County, Alabama.

State of Alabama, }
Walker County. }

Before me, a notary public, in and for said State and County, personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker county, Alabama, who being duly sworn, says that the attached "Notice" was published in said

The Mountain Eagle for four consecutive weeks, as follows, Jan. 3rd, Jan. 10th, Jan. 17th, and Jan. 24th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 25th day of January, 1923.
(Seal)

W. E. Barrett,
Notary Public.

Also:

H. 50. To abolish the County Court of Autauga County.

With Notice and Proof hereto attached and herewith exhibited as follow:

TO ABOLISH COUNTY COURT

Notice is hereby given that the following act will be introduced in the next Legislature of Alabama:

To amend an act entitled an act "To re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the code of Alabama in all counties wherein the same have been abolished, except in counties having a population of fifty thousand (50) or more according to the last Federal census, and to define the powers, jurisdiction and duties of all the county courts which are hereby re-established, and of all county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the code of Alabama and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined and appeals taken therefrom and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to appeal all laws, whether local or general, or special, in conflict with this act"; To eliminate the county of Autauga from the operation of said act; to provide for the disposition of all cases pending in the county court of Autauga at the time of the passage and approval of this act; to eliminate the salary of the judge of the county court of Autauga county, and to abolish the county court of Autauga county.

Be it enacted by the Legislature of Alabama:

1. That on and after the passage and approval of this act the county court of Autauga county be and the same is hereby abolished.

2. That the act of the Legislature of Alabama of 1915, approved September 26, 1915, (General Acts 1915, pp. 862-5) in so far as the same applies to Autauga County, be and the same is hereby repealed.

3. That all causes now pending, or which may be pending at the time of the passage and approval of this act in said court shall be transferred to the next session of the Grand Jury of the Circuit Court of Autauga county, together with all papers and documents relating to said causes together with all affidavits and warrants of arrest, for their consideration and action by said grand jury.

4. That all judgments rendered by or in such county court and which are unsatisfied at the time of the passage and approval of this act as well as all executions issued from, and forfeitures taken therein, shall be transferred to and enforced in the Circuit court of said county of Autauga, and it shall be the duty of the probate judge to make such transfer under his certificate of correctness.

5. That all laws, or parts of laws providing for a salary of the Judge of the County Court of Autauga County be and the same are hereby repealed, and provided further, that all laws and parts of laws in conflict with this act be and the same are hereby expressly repealed.

State of Alabama, }
 Autauga County. }

Personally appeared before me, Chas. Booth, a notary public in and for said State and county, H. S. Doster, who, being first duly sworn, according to law, deposes and says: That he is the editor of the Prattville Progress, a newspaper published at Prattville, in said State and County, and that the publication of a certain notice, and bill, a true copy of which is hereto attached, has been made in said newspaper for four consecutive weeks.

H. S. Doster.

Sworn to and subscribed before me this 13th day of January, 1923.

Chas. Booth,

Notary Public.

J. H. Stewart,

Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 90. To Judiciary.

H. 230. To Public Roads and Highways.

H. 50. To Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

H. 104. To require instruction in the public schools in this State in regards to the humane protection of animals.

J. H. Stewart,

Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was severally read once and referred to appropriate standing committees as follows:

H. 104. To the Committee on Education.

Mr. President:

MESSAGE FROM THE HOUSE.

The Speaker having signed the following House bills, your signature thereto is requested:

H. 35. To vacate the dedication of the following portions of certain streets, avenues and alleys in the City of Birmingham, Jefferson County, Alabama, to-wit: That portion of Walker Avenue which lies between "A" Street, now known as 68th Street, and second street, now known as 70th Street; that part of First Street, now known as 69th Street, which lies between Under-

wood Avenue and Walker Avenue; the alley which lies between Underwood Avenue and Walker Avenue; from its intersection with "A" or 68th Street, and Second, or 70th Street; all as shown by the maps of the survey of the Walker Land Company of its lands near East Woodlawn, and by the East Lake Land Company's map of its survey of East Lake: and to provide that after such vacation the lands embraced therein shall vest in the abutting property owners.

Also:

H. 10. To validate the levy of the five mill county tax of Escambia County heretofore made and to authorize said county to levy the same hereafter, and to ratify the minutes and proceedings of the Court of County Commissioners of said County.

Also:

H. 155. To appropriate out of the general funds of Dale County, and provide for the payment therefrom of Four Hundred and Fifty-Four Dollars, (\$454.00) to W. E. Gamble, as Sheriff of Dale County, as follows: For expenditures by him, for stamps, \$80.50, and for telephone service, \$173.50; and \$100.00 for each of the years, 1919 and 1920, to which he was entitled but did not receive, as ex-officio fees, under the provisions of an Act of the Legislature of Alabama, approved January 27, 1919.

Also:

H. 44. To establish the Inferior Court of York Beat, Precinct No. 6, in Sumter County, Alabama, in lieu of all Justices of the Peace therein including the Notary Public, ex officio Justice of the Peace therein to be called the Inferior Court of York.

Also:

H. 7. To create the office of County Treasurer of Coffee County, Alabama, to define the duties of said office; to fix the term of the office and to prescribe the salary; and to provide for the election of a County Treasurer of Coffee County, Alabama, by the qualified voters of the County at a special election and thereafter at the general election.

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as herein shown and as amended has passed:

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

And return same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Inzer the Senate concurred in the following amendment by the House to Senate Bill No. 22, the title of which is set out in the foregoing message from the House, to-wit:

Amendment to Senate Bill No. 22.

Amend Section 1, by adding after the words, "and having on deposit in this State, the deposit required by law of insurance companies to do such business," where they appear together therein the following words:

"Or has the necessary deposit in some other State and has furnished to the Commissioner of Insurance the required certificate of such deposit."

Yeas, 29; nays, 2.

Yeas:

Messrs:

Adams	Garth	Johnson	Oliver
Brooks	Griffith	Jones (Barbour)	Overton
Caffey	Hildreth	Jones (Conecuh)	Pelham
Carlton	Horton	Martin	Powell
Carmichael	Howle	Middleton	Randall
Craft	Hudgens	McNeil	Slone
Ellis	Inzer	Nolen	Tunstall
Foster			

—29

Nays:

Messrs:

Bonner Waddell

—2

SPECIAL ORDER SET.

On motion of Mr. Craft, the Bill:

H. 165. To regulate further the Highway Department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

Was made a special order immediately after the reading of the Journal on the next Legislative Day.

APPOINTMENT OF JUDICIARY COMMITTEE.

Pursuant to Senate Resolution No. 64, providing for two additional members on the Judiciary Committee, the Lieutenant-Governor and presiding officer of the Senate appointed as such additional members of said Judiciary Committee Messrs. Griffith and McNeil.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 2. To repeal Section 2069 of the Code of Alabama of 1907.

J. H. Stewart,
Clerk.

RECESS.

At 1:00 o'clock P. M., on motion of Mr. Adams the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION—THIRTEENTH DAY.

Tuesday, February 6th, 1923.

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor McDowell, presiding.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

BILLS TEMPORARILY POSTPONED.

On motion of Mr. Waddell, the further consideration of

S. 130. To repeal an act entitled an act "to amend the title and sections one (1), three (3), four (4), fifteen (15) and 29, and paragraphs B and D of Section eight (8)

of an act 'To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act', approved September 28, 1915". Approved February 17, 1919.

Was postponed until the next Legislative Day without losing its place on the calendar.

On motion of Mr. Teasley, the further consideration of

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Also:

S. 99. To amend section 7 of an act "To regulate elections; to provide for the registration and furnishing of a list of qualified electors to the election inspectors." Approved October 2nd, 1920.

Was postponed until the next legislative day without losing its place upon the calendar.

On motion of Mr. Duncan, the further consideration of

H. 37. To repeal an act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Was postponed until the 25th legislative day without losing its place on the calendar.

INTRODUCTION OF BILLS.

Upon a call of district bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hildreth:

S. 159. To amend Sections 4754, 4758, 4761, 4762, 4770, 4774, 4777 and 4782 of the Code of Alabama, 1907.

Judiciary.

By Mr. Waddell:

S. 160. To provide for the relief of P. M. Daniel, former sheriff of Russell Conty, Alabama. and to make an appropriation therefor.

Finance and Taxation.

With Notice and Proof thereto attached and herewith exhibited as follows:

The State of Alabama, }
Russell County. }

Before me, Martha deGraffenreid, a Notary Public in and for Russell County, Alabama personally appeared W. H. Chadwick, known to me, who, being by me first duly sworn, deposes and says that he is one of the

editors of and is the publisher of the Russell Register, a weekly newspaper, published in Russell County, Alabama, and having general circulation as a newspaper in said County and State; that the following notice, viz.:

NOTICE OF SPECIAL LAW.

Notice is hereby given that the following Special Law will be introduced for passage at the regular, 1923, session of the Legislature of Alabama, viz:

To provide for the relief of P. M. Daniel, former sheriff of Russell County, Alabama, and to make an appropriation therefor.

Section 1. That there is hereby appropriated out of the general revenue of the State of Alabama the sum of Three Hundred Ninety Six and 30-100 (\$396.30) Dollars to pay the feed bills of P. M. Daniel, former sheriff of Russell County Alabama, for feeding prisoners confined in the county jail of said county for the months of May, June and July of the year 1916, and for which the State of Alabama was chargeable.

Section 2. That the State Auditor be and he is hereby required to draw his warrant on the State Treasurer for the sum of Three Hundred Ninety Six and 30-100 (\$396.30) Dollars, payable to the said P. M. Daniel and payable out of said sum so appropriated for the relief of said P. M. Daniel.

Section 3. That it shall be the duty of the State Treasurer to pay said warrant out of the funds in the Treasury of the State of Alabama hereby appropriated for the relief of the said P. M. Daniel.

Dated this the 28th day of December, 1922.

Was published for thirty days in said newspaper and that said notice appeared in the issues of said newspaper of the following dates: December 29th, 1922, January 5th, 1923, January 12th, 1923, and January 19th, 1923.

Sworn to and subscribed before me this, the 5th day of February, 1923.
(Seal)

W. H. Chadwick,
Martha deGraffenreid,
Notary Public, Russell County, Ala.

REPORTS OF COMMITTEES.

Mr. Powell, Chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bowen:

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds; and for appropriations to make up deficits therein and how such funds shall

be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this act; to provide who shall hear and decide applications for pension and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the County in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the Act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the Act be repealed.

By Mr. Fite:

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

Mr. Brooks, Chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Odom:

H. 188. To provide for a better system of public roads for the County of Lamar, State of Alabama, and to provide ways and

means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

By Mr. Ware:

H. 138. To authorize the courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts, where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Mr. McNeil, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Patterson:

H. 173. To amend an act entitled "An Act to amend Section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Mr. Powell, Chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goode:

H. 178. To amend section 3528 of the Code of Alabama of 1907, and to repeal all laws and parts of laws, general, local, private and special in conflict with said Section as hereby amended.

RESOLUTION.

Mr. Randall offered the following Joint Resolution:

S. J. R. 67. Whereas, there are about 6,500 sailors in the Confederate Navy from the 13 Confederate States, averaging 500 from each State whose records of enlistment, service and discharge were destroyed when Richmond was evacuated; and

Whereas, their survivors find it difficult to secure pensions, or gain admittance into the Soldiers' homes without such records; and

Whereas, there are to be found among the families of their descendants valuable papers, consisting of official documents, letters and other data that will enable those records to be established; and

Whereas, Admiral A. O. Wright is now in Alabama rescuing such records, which when recovered are to be placed in the his-

toric archives of this State, alongside those of the Confederate soldiers already on file there;

Now, Therefore, Be it resolved by the Senate, the House of Representatives, concurring:

1. That the efforts of Admiral Wright and his surviving shipmates of the Confederate Navy to rescue such records be endorsed and commended to the consideration and support of the people of Alabama.

2. Further, that the municipal and patriotic organizations of Alabama be requested to assist Admiral Wright by tag days and other methods to raise the necessary fund for that purpose, and in order that his work may be thorough we request that all county officials, and all benevolent organizations make a full investigation in their respective localities to ascertain all that can be learned whether or no there ever lived among them a Confederate sailor, and if so advise the authorities in order that his case may be investigated and his record established.

3. Further, that a copy of these resolutions be sent to Admiral Wright.

Which was, under a suspension of the rules, adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 97. To fix and regulate the compensation of the Registers of the circuit court in counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

S. 95. To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 20,000 according to the last or any subsequent Federal census.

S. 96. To fix the compensation or salary of Probate Judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

S. 49. To amend Section 5439 of the Code of Alabama of 1907.

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

S. 2. To repeal section 2069 of the Code of Alabama of 1907.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the committee on Enrolled Bills.

RESOLUTION.

Mr. Martin offered the following Joint Resolution:

S. J. R. 68. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet on Thursday morning, February 8, 1923, at ten o'clock A. M.

Which was adopted.

BILLS ON THIRD READING.

The Bill:

S. 138. To prohibit the operation for hire or reward of pool tables, pin pool tables, billiard tables, or tables on which games of like kind are played in the State of Alabama, and to provide for the enforcement thereof.

Was taken up.

Mr. Brower offered the following amendment to said Bill, to-wit:

Amend the bill by adding the following proviso:

Provided further that this act shall take effect on October 1st, 1924.

Which was adopted.

Yeas, 21; nays, 14.

Yeas:

Messrs:

Adams	Foster	Howle	Jones (Conecuh)
Bonner	Garth	Hudgens	Middleton
Brower	Griffith	Hutson	Overton
Caffey	Hildreth	Johnson	Pelham
Carlton	Horton	Jones (Barbour)	Teasley
Ellis			

—21

Nays:

Messrs:

Brooks	Inzer	Oliver	Slone
Carmichael	Martin	Powell	Tunstall
Craft	McNeil	Randall	Waddell
Duncan	Nolen		

—14

Mr. Craft offered the following amendment to said bill, to-wit:

Amend S. 138 by excepting Mobile County from its operation.

Mr. Martin moved to lay the amendment offered by Mr. Craft on the table, which motion prevailed and said amendment was table.

Yeas, 31; Nays, 3.

Yeas:

Messrs:

Adams	Foster	Inzer	Overton
Bonner	Garth	Johnson	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Tunstall
Duncan	Hudgens	Nolen	Waddell
Ellis	Hutson	Oliver	

—31

Nays:

Messrs:

Bonner	Craft	Teasley	
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—3

And said Bill as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 19; nays, 16.

Yeas:

Messrs:

Adams	Garth	Jones (Barbour)	Pelham
Bonner	Griffith	Martin	Slone
Brower	Howle	Middleton	Teasley
Caffey	Hudgens	McNeil	Waddell
Ellis	Hutson	Overton	

—19

Nays:

Messrs:

Brooks	Duncan	Inzer	Oliver
Carlton	Foster	Johnson	Powell
Carmichael	Hildreth	Jones (Conecuh)	Randall
Craft	Horton	Nolen	Tunstall

—16

The Bill:

H. 139. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the Governor or either house of the Legislature, upon important constitutional questions and

Was taken up.

The following amendment offered by the Committee on Judiciary, to-wit:

Amend the Bill by inserting after the word "acts" at the beginning of the 8th line of the second section the following words "or contemplated acts."

Was adopted.

Yeas, 28; nays, 7.

Yeas:

Messrs:

Adams	Duncan	Inzer	Overton
Brooks	Ellis	Jones (Barbour)	Pelham
Brower	Foster	Jones (Conecuh)	Powell
Caffey	Garth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall

—28

Nays:

Messrs:

Bonner	Hildreth	Johnson	Waddell
Griffith	Hutson	Oliver	

—7

And said Bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 9.

Yeas:

Messrs:

Adams	Ellis	Inzer	Overton
Brooks	Garth	Jones (Conecuh)	Pelham
Brower	Horton	Martin	Powell
Caffey	Howle	Middleton	Randall
Carmichael	Hudgens	McNeil	Slone
Craft	Hutson	Nolen	Tunstall
Duncan			

—25

Nays:

Messrs:

Bonner	Griffith	Johnson	Oliver
Carlton	Hildreth	Jones (Barbour)	Waddell
Foster			

—9

The Bill:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Carmichael	Hildreth	Jones (Barbour)
Bonner	Craft	Horton	Jones (Conecuh)
Brooks	Duncan	Hudgens	Martin
Brower	Ellis	Hutson	Middleton
Caffey	Foster	Inzer	McNeil
Carlton	Garth	Johnson	Nolen

Oliver
Pelham

Powell
Randall

Slone
Teasley

Tunstall
Waddell

—32

Nays:—None.

The Bill:

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under general or special laws of this State or that may hereafter be incorporated under general laws.

Was taken up.

The Committee on Judiciary offered the following amendment to said bill, to-wit:

Amend the Bill by substituting for subdivision (B) of Section 1 the following:

Such incorporated Convention and Association shall have power to receive, purchase, own and possess, buy and sell any and all necessary property, real, personal and mixed as shall be needful for its use in the conduct of religious, educational and charitable work and may accept gifts, donations, pledges and moneys and other properties to any extent and to any amount, and, so long as its properties are exclusively devoted to religious, educational and charitable purposes, the same shall be exempt from all State, county, municipal or other taxes.

Which was adopted.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft
Duncan
Ellis
Foster
Garth
Griffith
Hildreth
Howle
Hudgens

Hutson
Inzer
Johnson
Jones (Conecuh)
Martin
McNeil
Nolen
Oliver

Overton
Pelham
Powell
Randall
Slone
Tunstall
Waddell

—31

Nays:—None.

And said Bill, as thus amended was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft
Duncan
Ellis
Foster
Garth

Griffith
Hildreth
Hudgens
Hutson
Inzer
Johnson

Jones (Barbour)
Jones (Conecuh)
Martin
Middleton
McNeil
Nolen

Oliver	Powell	Slone	Waddell	
Pelham	Randall	Tunstall		—31

Nays:—None.

The Bill:

S. 146. To amend Section 2044 of the Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Pelham
Brooks	Garth	Martin	Powell
Brower	Hildreth	Middleton	Randall
Caffey	Horton	McNeil	Slone
Carlton	Howle	Nolen	Teasley
Carmichael	Hudgens	Oliver	Tunstall
Duncan	Inzer	Overton	Waddell
Ellis			

—29

Nays:—None.

The Bill:

S. 128. To amend Section 6110 of the Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 1.

Yeas:

Messrs:

Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Caffey	Hildreth	Jones (Conecuh)	Powell
Carlton	Horton	Martin	Randall
Carmichael	Howle	Middleton	Slone
Craft	Hudgens	McNeil	Teasley
Duncan	Hutson	Nolen	Tunstall
Ellis	Inzer	Oliver	Waddell
Foster			

—33

Nays: Mr. Brower—1.

The Bill:

S. 81. To amend Section 2472 of the Code of 1907 of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 1.

Yeas:

Messrs:

Brooks	Craft	Griffith	Hutson
Brower	Duncan	Hildreth	Inzer
Caffey	Ellis	Horton	Johnson
Carlton	Foster	Howle	Jones (Conecuh)
Carmichael	Garth	Hudgens	Martin

Middleton
McNeil

Nolen
Oliver

Pelham
Randall

Tunstall

—27

Nays: Mr. Bonner—1.

The Bill:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

Was read a third time, at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 1.

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft

Duncan
Ellis
Foster
Garth
Griffith
Hildreth
Horton
Howle

Hudgens
Hutson
Inzer
Johnson
Jones (Barbour)
Jones (Conecuh)
Martin
Middleton

McNeil
Nolen
Oliver
Pelham
Powell
Randall
Tunstall
Waddell

—32

Nays: Mr. Overton—1.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment to House Bill:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act.

And requests a Committee of Conference.

And returns said bill together with the Senate amendment herewith to the Senate.

Committee on part of the House: Messrs. Long, Tunstall, Ashcraft of Lauderdale.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Waddell, the Senate accedes to the request of the House for a committee of conference on the disagreement of the two Houses on the Senate amendment to House Bill 163, the title of which is set out in the foregoing message from the House, and the President of the Senate appointed as conferees on the part of the Senate, Messrs. Ellis, Foster and Tunstall.

Yeas, 33; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Overton
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Powell
Caffey	Hildreth	Jones (Coñecuh)	Randall
Carlton	Horton	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan			

—33

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate Joint Resolution No. 67, relative to assisting Admiral A. O. Wright in his work in securing data that will enable the survivors of sailors of the Confederate Navy to secure pensions, etc.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate Joint Resolution No. 68, relative to the adjournment of the two Houses until Thursday, February 8, 1923, at ten o'clock.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 139. To provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important Constitutional questions and

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 71. To the Committee on Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate.

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Also:

By Mr. Foster:

S. 84. To amend Section 1 of an Act approved February 11th, 1919, entitled "An Act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

J. H. Stewart,
Clerk.

RESOLUTION.

Mr. Howle offered the following Joint Resolution:

S. J. R. 69. Whereas, the State of Alabama has organized under the direction of the Convict Department, at Camp Kilby, located near the city of Montgomery, a model dairy and live stock farm; and

Whereas, the promoters of this farm, had in view, propagation and breeding of fine dairy cattle; and

Whereas, from that time, the number of necessary breeding bulls at this farm will increase beyond the requirements of this farm.

Now, Therefore, Be it Resolved by the Senate, the House of Representatives, concurring:

Section 1. The President or Chairman of the Board of Convict Supervisors, is hereby requested to loan for use in the several counties in this State, these several bulls which are from time to time on hand above the necessities of the State farm.

Section 2. That requisition for the loan of this bull shall be made on the chairman of the Board of Convict Supervisors, and shall be approved by the County Farm Demonstration Agent, in case there is a Farm Demonstration Agent, and in those counties where there is no agent, this requisition or application, shall be approved by the Chairman of the Board of Revenue, and the applicant shall give bond in the sum of \$500.00, for the care and upkeep of such animal while in the possession of the applicant.

Section 3. That the applicant having in custody such animal shall give free service to all parties in that county which shall make demand on him, provided that the granting of this request shall be at no expense on his part.

Section 4. That not more than three bulls from the State farm shall be loaned to any of several counties of this State at one time, and that the ownership of this animal shall at all times remain in the State of Alabama and that he shall be subject to the recall or other disposal of the Chairman of the Board of Convict Supervisors when he is no longer serviceable.

Section 5. That any sums of money accruing from the sale or other disposal of any animals no longer fit for service shall be returned to the authorities of the State Farm, who shall give a true accounting of this sum as are all other sums accounted for.

Section 6. That the expense of the transportation from the State Farm at Camp Kilby to the several counties shall be borne by the applicant making requisition, but when the animal is no longer fit for service, the applicant is not required to deliver him back to the farm.

Section 7. That the intents and purposes of this resolution shall be carried out by the authorities at the State Farm, through the direction of the Chairman of the Board of Convict Supervisors, as soon as the number of animals on the farm increases to where in his judgment, this will warrant.

Which was put upon its immediate passage, and lost.

Yeas, 15; nays, 16.

Yeas:

Messrs:
Adams
Brower
Craft
Duncan

Griffith
Horton
Howle
Hutson

Johnson
Jones (Barbour)
Jones (Conecuh)
Middleton

Oliver
Overton
Pelham

—15

Nays:

Messrs:
Bonner
Brooks
Caffey
Carlton

Ellis
Garth
Hildreth
Hudgens

Inzer
Martin
McNeil
Randall

Slone
Teasley
Tunstall
Waddell

—16

BILLS ON THIRD READING RESUMED.

The Bill:

S. 36. To amend section 6148 of the code of Alabama of 1907. Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 1.

Yeas:

Messrs:

Adams	Duncan	Hutson	Nolen
Bonner	Foster	Inzer	Oliver
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Tunstall
Carmichael	Howle	McNeil	Waddell
Craft	Hudgens		

—30

Nays: Mr. Overton—1.

On motion of Mr. Garth, the further consideration of:

S. 148. To provide and create a commission form of government and to adopt the same in all cities in the State of Alabama, which now have or which may hereafter have a population of more than eight thousand and not more than ten thousand people according to the last Federal census, or any Federal census which may hereafter be taken; to regulate the selection and election and appointment of commissioners and fix their term of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials, and otherwise to provide for the creation and maintenance of said commission form of government; and the impeachment of said commissioners.

Was postponed until the July session.

The Bill:

S. 80. To amend section 1191 of the code of 1907 of Alabama.

Was taken up.

The following amendment offered by the Committee on Revision of Laws, to-wit:

Amend S. 80 by striking out the word "thirty" and inserting in lieu thereof the word "ninety."

Was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Brooks	Caffey	Carmichael
Bonner	Brower	Carlton	Craft

Duncan	Howle	Jones (Conecuh)	Oliver
Garth	Hudgens	Martin	Overton
Griffith	Hutson	Middleton	Pelham
Hildreth	Inzer	McNeil	Randall
Horton	Johnson	Nolen	Waddell

—28

Nays:—None.

And said bill as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Stone
Carlton	Howle	Middleton	Tunstall
Carmichael	Hudgens	McNeil	Waddell
Craft	Hutson	Nolen	

—31

Nays:—None.**The Bill:**

H. 62. To amend an act approved September 5th, 1919, entitled "An act to further extend the power and authority of Boards of Revenue of counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hudgens	Martin
Bonner	Foster	Hutson	McNeil
Brooks	Garth	Inzer	Nolen
Brower	Griffith	Johnson	Overton
Carlton	Hildreth	Jones (Barbour)	Tunstall
Carmichael	Howle	Jones (Conecuh)	Waddell
Craft			

—25

Nays:—None.

The Bill:

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the criminal code of Alabama, 1907.

Was taken up.

Mr. Teasley moved that consideration of this Bill be postponed until the 26th Legislative Day.

Mr. Overton moved to table the motion of Mr. Teasley, which prevailed and said motion was laid on the table.

Yeas, 24; nays, 8.

Yeas:

Messrs:

Adams	Craft	Howle	Middleton
Bonner	Ellis	Hutson	Nolen
Brooks	Garth	Inzer	Oliver
Brower	Griffith	Johnson	Overton
Carlton	Hildreth	Jones (Conecuh)	Pelham
Carmichael	Horton	Martin	Tunstall

—24

Nays:

Messrs:

Caffey	Hudgens	McNeil	Teasley
Duncan	Jones (Barbour)	Randall	Waddell

—8

Said Bill was then read a third time at length and passed.

Yeas, 28; nays 5.

Yeas:

Messrs:

Adams	Craft	Howle	Nolen
Bonner	Duncan	Hutson	Oliver
Brooks	Ellis	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Conecuh)	Randall
Carlton	Hildreth	Middleton	Slone
Carmichael	Horton	McNeil	Tunstall

—28

Nays:

Messrs:

Hudgens	Martin	Teasley	Waddell
Jones (Barbour)			

—5

The Bill:

H. 74. To amend section 6958 of the criminal code of Alabama, 1907.

Was taken up.

The Committee on Revision of Laws offered the following amendment to said bill, to-wit:

Amend Section 1 of H. 74 so as to read as follows:

Section 1. That section 6958 of the Criminal Code of Alabama, 1907, be and the same is hereby amended so as to read as follows:

"Section 6958—Open and closed season as to game birds.—No person or persons shall injure, kill, hurt or destroy by any means whatsoever, or have or be in possession of except as expressly permitted by the provisions of this Code, the following named game birds, except between the following dates: Wild turkey gobblers, December 1st to February 1st, following; quail (bob white, partridges), from November 20th to February 20th, following."

Which was adopted.

Yes, 27; nays, 5.

Yeas:

Messrs:

Brooks	Foster	Johnson	Overton
Brower	Garth	Jones (Conecuh)	Pelham
Caffey	Griffith	Martin	Powell
Carlton	Horton	Middleton	Randall
Craft	Howle	McNeil	Slone
Duncan	Hutson	Nolen	Tunstall
Ellis	Inzer	Oliver	

—27

Nays:

Messrs:

Hildreth	Jones (Barbour)	Teasley	Waddell
Hudgens			

—5

And said bill, as thus amended was read a third time at length and passed.

Yeas, 27; nays, 5.

Yeas:

Messrs:

Brooks	Foster	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Conecuh)	Powell
Carlton	Hildreth	Middleton	Randall
Carmichael	Horton	McNeil	Slone
Duncan	Howle	Nolen	Tunstall
Ellis	Hutson	Oliver	

—27

Nays:

Messrs:

Bonner	Jones (Barbour)	Teasley	Waddell
Hudgens			

—5

The Bill:

H. 20. To repeal section 6697 of the code of Alabama of 1907, and to discharge the bonds thereunder existing.

Was read a third time at length and passed.

Yeas, 27; nays, 3.

*Yeas:**Messrs:*

Bonner	Foster	Johnson	Pelham
Brower	Garth	Jones (Barbour)	Powell
Caffey	Hildreth	Jones (Concuh)	Randall
Carlton	Horton	Martin	Slone
Carmichael	Howle	Middleton	Tunstall
Craft	Hudgens	McNeil	Waddell
Ellis	Inzer	Nolen	

—27

*Nays:**Messrs:*

Duncan	Griffith	Oliver
--------	----------	--------

—3

The Bill:

S. 142. To amend sections 2038 and 2039 of the code of Alabama.

Was read a third time at length and and passed, and ordered sent forthwith to the House without engrossment.

Yes, 26; nays, 1.

*Yeas:**Messrs:*

Bonner	Garth	Jones (Barbour)	Pelham
Brower	Hildreth	Martin	Powell
Caffey	Horton	Middleton	Randall
Carlton	Howle	McNeil	Slone
Carmichael	Hudgens	Nolen	Teasley
Craft	Inzer	Oliver	Tunstall
Duncan	Johnson		

—26

Nays: Mr. Waddell—1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in the Senate Amendment to the Bill:

H. 45. To ratify and confirm the charters and enlarge the powers of State Conventions and Associations of congregational religious churches that have been heretofore incorporated under general or special laws of this State or that may hereafter be incorporated under general laws.

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 5:30 o'clock P. M., on motion of Mr. Hildreth and pursuant to S. J. R. 68 heretofore adopted, the Senate adjourned until 10:00 A. M. Thursday, February 8th, 1923.

FOURTEENTH DAY.

Thursday, February 8th, 1923.

The Senate met pursuant to adjournment, Lieutenant-Governor McDowell presiding.

PRAYER.

By Rev. Dr. Schwartz of Montgomery.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

JOURNAL.

On motion of Mr. Oliver the reading of the Journal of yesterday was dispensed with, and same approved by the Senate.

RESOLUTIONS.

Mr. Foster offered the following Joint Resolution:

S. J. R. 70. Be it resolved by the Senate, the House concurring, that there be and is hereby added to the recess agricultural committee one member from the Senate and two members from the House, and that there be and is hereby added to the recess educational committee two members from the Senate and three members from the House; and that there be and is hereby added to the Code Committee or commission one member from the Senate and two from the House.

Which was, under a suspension of the rules, adopted, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 2.

Yeas:

Messrs:

Adams	Foster	Inzer	Overton
Brooks	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Conecuh)	Powell
Carlton	Hildreth	Middleton	Randall
Carmichael	Horton	McNeil	Slone
Craft	Howle	Nolen	Tunstall
Duncan	Hudgens	Oliver	Waddell
Ellis	Hutson		

—30

Nays: Messrs. Bonner and Jones of Barbour—2.

Mr. Foster also offered the following Joint Resolution:

S. J. R. 71. Resolved by the Senate, the House concurring, that the State Prison Inspector report the result of his investigation of the alms houses of the several counties of the State to the recess Budget committee, and that said committee consider said report and recommend such legislation with respect to the organization and management of the alms house as they deem proper.

Which was, under a suspension of the rules adopted, and ordered sent forthwith to the House without engrossment.

SPECIAL ORDER SET.

On motion of Mr. Foster the bill:

H. 177. To amend an act entitled "An act to create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board," approved February 13, 1919.

Was made a special order immediately after disposition of the two special orders on today's calendar.

NOTICE OF MOTION TO RECONSIDER

Mr. Hildreth gives notice that he will move to reconsider the vote by which Senate Joint Resolution 69, on the last legislative day was lost.

CONSIDERATION OF SPECIAL ORDER.

The Senate proceeded to consider the first special order for this hour, which was:

S. 130. To repeal an act entitled an Act "to amend the title and sections one (1), three (3), four (4), fifteen (15), and 29, and paragraphs B and D of Section eight (8) of an act "To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a firemen's pension and

relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees the trustee of such fund; to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty, to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenues received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act' approved September 28, 1915."

Mr. Brower offered the following amendment to said bill, to-wit:

Amend the title by adding after the word "Approved February 17, 1919," the following:

"In so far as the same applies to cities and towns having a population of less than 100,000 according to the last or any succeeding Federal census."

Amend the bill by adding at the end of section 1, after the words "hereby repealed" the following:

"In so far as the same applies to cities and towns having a population of less than 100,000 according to the last or any succeeding Federal census."

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Nolen
Brooks	Foster	Inzer	Oliver
Brower	Garth	Jones (Barbour)	Overton
Caffey	Hildreth	Jones (Conecuh)	Pelham
Carlton	Horton	Martin	Randall
Carmichael	Howle	Middleton	Slone
Craft	Hudgens	McNeil	Waddell
Duncan			

—29

Nays:—None.

And said bill, as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Overton
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Middleton	Slone
Carlton	Horton	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall
Duncan			

—29

Nays:—None.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Craft:

S. 161. To provide for and submit to the qualified electors of the State of Alabama; at an election to be held on the date of the general election in the year 1924, at which this amendment is proposed; an amendment to the Constitution of Alabama; whereby Mobile county may levy and collect, through its duly constituted governing authorities, a rate of taxation, on the property situated therein, not exceeding in the total in any one year, one-fifth (1-5) of one (1) per centum of the value of such property, as assessed as provided by the Constitution and statutes now existing or hereafter enacted pursuant to the Constitution, in addition to taxes levied under and pursuant to section 215 of the Constitution of Alabama, of 1901, and in addition to taxes levied under and pursuant to Article XIX of the said Constitution, which Article XIX was added thereto by amendment; and whereby the existing legislation intended to

empower the said county to levy and collect such taxation, is validated and confirmed.

Constitution and Constitutional Revision and Amendments.

The above bill was read at length as required by the Constitution.

By Mr. Carmichael:

S. 162. To amend section 4224 of the Civil Code of Alabama of 1907.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Foster, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hildreth (with amendment):

S. 159. To amend sections 4754, 4758, 4761, 4762, 4770, 4774, 4777 and 4782 of the Code of Alabama 1907.

By Mr. Grove:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest-bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

By Mr. Tiller (with amendment):

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

By Mr. Martin (by request) (with substitute).

S. 134. To establish and regulate liens in favor of garage keepers, automobile repairmen, or bailees of motor vehicles, for storing, maintaining or repairing motor vehicles, or furnishing gasoline, accessories, parts, or other supplies for motor vehicles, and to regulate the procedure for the enforcement thereof.

By Mr. Howze:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate

judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

By Mr. Overton (with amendment):

S. 111. To prohibit the having in possession, or use, or operation of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced, and to prescribe penalties therefor.

By Mr. Williams:

H. 109. To repeal an act entitled "An act to regulate the issue of garnishments by justices of the peace and notaries public and proceedings thereon and powers of a justice of the peace, of personal services rendered or to be rendered by the defendant, lic with same jurisdiction and powers of a justice of the peace, is sought to be subjected by process of garnishment in the counties of Colbert and Franklin." Approved February 21, 1893, in so far as the same relates to or affects Franklin county.

Mr. Powell, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bealle:

H. 46. To amend sections 3615 and 3622 of the Code of 1907.

Mr. Inzer, chairman of the standing committee on Education reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time time and placed on the calendar, to-wit:

By Mr. Byars:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills and resolution with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. J. R. 67. Relative to the families of the deceased sailors of the Confederate Navy, assisting Admiral A. O. Wright, in rescuing valuable papers that will enable the records of said sailors being established.

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

S. 84. To amend section 1 of an act approved February 11th, 1919, entitled "An act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

C. R. Horton,
Chairman.

SIGNING OF BILLS AND RESOLUTION.

The president of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills:

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 74. To amend section 6958 of the Criminal Code of Alabama 1907.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 132. To prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order with intent to defraud; to fix the punishment

for the violation thereof, and to prescribe a rule of evidence in prosecutions thereunder.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 132. To the Committee on Judiciary.

REPORT OF CONFERENCE COMMITTEE.

To the Presiding Officer of the Senate:

Your Conference Committee having under consideration House bill 163.

A BILL.

To be entitled an act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State, providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act.

Beg leave to report as follows:

First. We recommend that the Senate recede from its amendment to said bill.

Second. We further recommend that the Senate amend said bill so as to read as follows:

A BILL.

To be entitled an act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act.

Be it enacted by the Legislature of Alabama, That:

Section 1. As used in this act the term "gasoline" shall include gasoline, naphtha and other liquid motor fuels commonly used in internal combustion engines, provided that nothing contained in this act shall apply to those products commercially known as "kerosene oil," "distillates," "gas oil," "fuel oil" or "crude oil."

The word "person" means and includes every person, corporation, co-partnership, company, agency or association.

The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in this State by

wholesale in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce.

The term "retail dealer" shall include any person herein defined as "distributor" who is also engaged in the sale of gasoline as herein defined, at any place in this State, in broken quantities.

Section 2. Every "distributor" and "retail dealer" in gasoline shall pay an excise tax of two cents (2c) per gallon upon the sale of gasoline in this State, provided, that in no event shall any gasoline sold in interstate commerce be taxed, and provided further the excise tax of two cents (2c) per gallon upon the sale of gasoline shall be paid only once.

Section 3. On or before the 20th day of each month after this act shall take effect, every distributor of gasoline and every retail dealer of gasoline shall render to the State Tax Commission on forms prescribed by said Commission a true and correct statement of all gasoline sold by such distributor or retail dealer during the next preceding month liable for the payment of the excise tax herein prescribed, and shall furnish to said Commission such additional information as said Commission may require on blanks to be furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid.

The statement herein required to be made by the distributor or retail dealer shall be sworn to before some officer authorized to administer oaths and the making of any false or fraudulent statement shall constitute perjury, upon the conviction of which the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors and retail dealers shall keep in Alabama at some certain place or office such books, documents or papers as will show clearly the amount of sales of gasoline made in this State covered by this act.

Section 5. Within thirty days after the passage of this act every distributor and retail dealer engaged in the sale of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or retail dealer of gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose. After this act becomes effective, no person shall engage in selling as a distributor or retail dealer any gasoline covered by the provisions of this act in this State until he shall have made such report to the State Tax Commission.

Section 6. If any distributor or retail dealer in gasoline in this State covered by the provisions of this act shall fail to

make any report to the State Tax Commission as required herein, he shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense.

Section 7. It shall be the duty of the State Tax Commission to enforce the provisions of this act and the said commission shall have the right itself or by any of its members or agents to examine the books of every such distributor or retail dealer of gasoline covered by this act.

Section 8. The proceeds of the excise tax prescribed in this act shall be divided between the State and the several counties thereof as follows: One-half of such proceeds shall be paid into the State treasury to the credit of the general fund to be used for general State purposes; the other half shall be divided and distributed equally among the sixty-seven counties of the State. The one-half of such proceeds due the several counties when collected by the State Tax Commission shall be paid to the State treasurer, and the State Tax Commission shall also at the same time certify to the State auditor the amount which is due to each county. The State auditor shall at the end of each month after the said funds are so certified to him draw his warrant upon the State treasurer payable to the county treasurer or the county depositaries of each of the several counties for the several amounts so due each county; and each of the county treasurers or county depositaries of the several counties so receiving such warrants shall place such warrants or the proceeds thereof to the credit of the road and bridge fund of the particular county. And such fund so placed to the credit of the road and bridge fund in each county shall be used for the construction and maintenance of the public highways and bridges in such counties and for no other purpose.

Section 9. The acceptance of any amount paid for the excise tax provided for in this act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. The forms of all statements and reports required herein shall be prescribed and furnished by the State Tax Commission. All costs of the enforcement of this act shall be paid out of the State's share of the funds derived from the excise tax herein prescribed, upon the warrant of the State auditor drawn upon the voucher of the chairman of the State Tax Commission and approved by the governor.

Section 11. If any distributor or retail dealer of gasoline covered by this act fail to make the prescribed monthly return, the State Tax Commission shall make a return for such delinquent upon such information as may be reasonably obtained, as-

sess the tax thereon, and add a penalty of 25% of the tax to the amount as assessed. The State Tax Commission shall as soon as practicable and before the thirtieth day of each month certify to the State Treasurer the names of all persons liable to pay the tax herein provided, together with the post office address and the amount of the tax and if any such taxes shall not have been paid, the chairman of the State Tax Commission shall issue executions for the collection of such taxes directed to any sheriff of the State, who shall proceed to collect the same in the manner now prescribed by law for the collection of delinquent taxes by county tax collectors and make return of such executions to the State Tax Commission.

The taxes and all penalties herein provided for shall be held as a debt payable to the State by the person against whom the same shall be charged, and all such taxes, penalties and assessments shall be a lien upon all property in this State of the party charged therewith.

Section 12. Any distributor or retail dealer who shall violate any of the provisions of this act may be restrained by proper proceedings instituted in the name of the State of Alabama by the attorney general or any circuit solicitor from either distributing or selling gasoline, the sale of which is taxable in this State, until such person shall have complied with the provisions of this act.

Section 13. All other State excise and inspection taxes on the sale of gasoline imposed before the passage of this act shall be and the same are hereby repealed, and all State laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 14. Should any section or any part of this act be declared unconstitutional it shall not invalidate the remainder thereof.

Section 15. This act shall take effect on the first day of the month next succeeding its passage.

Third. We further recommend that the Senate pass said bill as so amended.

Fourth. We further recommend that the House concur in said last named Senate amendment.

Respectfully submitted,
James B. Ellis,
J. M. Foster,
W. C. Tunstall,
Committee on part of the Senate.
J. Lee Long,
A. M. Tunstall,
C. W. Ashcraft,
Committee on part of the House.

CONFERENCE REPORT.

The foregoing Conference report was read at length, and on motion of Mr. Hildreth, the Senate concurred in and adopted the foregoing report of the Committee on Conference on the disagreement of the two houses on the Senate amendment to House bill 163, the title of which is set out in the foregoing Conference report.

Yeas, 26; nays, 9.

Yeas:

Messrs:

Brooks	Griffith	Jones (Conecuh)	Pelham
Caffey	Hildreth	Middleton	Powell
Carlton	Howle	McNeil	Randall
Duncan	Hudgens	Nolen	Slone
Ellis	Hutson	Oliver	Tunstall
Foster	Inzer	Overton	Waddell
Garth	Johnson		

—26

Nays:

Messrs:

Adams	Carmichael	Horton	Martin
Bonner	Craft	Jones (Barbour)	Teasley
Brower			

—9

SPECIAL ORDERS RESUMED.

The Senate proceeded to consider the second special order for this hour which was:

H. 165. To regulate further the highway department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

And said bill was read a third time at length and passed.

Yes, 32; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	McNeil	Teasley
Carmichael	Howle	Nolen	Tunstall
Craft	Hudgens	Oliver	Waddell

—32

Nays:—None.

The third special order, to-wit:

H. 177. To amend an act entitled "An act to create a State board of control and economy; to provide members thereof,

their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board," approved February 13, 1919.

Was taken up.

The Judiciary Committee offered the following amendment to said bill, to-wit:

Amend House bill 177 by striking out the words "five thousand" where they appear at the end of the 15th line of section 3, and inserting in lieu thereof the words "six thousand," and by striking out the words "four thousand" where they occur in the 20th line of section 3, and inserting in lieu thereof the words "five thousand."

Which was adopted.

Yeas 26; nays 6.

Yeas:

Messrs:

Brooks	Foster	Jones (Conecuh)	Powell
Brower	Garth	Martin	Randall
Caffey	Griffith	Middleton	Slone
Carlton	Hildreth	McNeil	Teasley
Carmichael	Horton	Oliver	Tunstall
Craft	Hutson	Overton	Waddell
Ellis	Inzer		

—26

Nays:

Messrs:

Adams	Howle	Jones (Barbour)	Pelham
Duncan	Hudgens		

—6

And said bill as thus amended, was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hudgens	Oliver
Bonner	Foster	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Griffith	Johnson	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Craft	Howle	McNeil	Waddell

—28

Nays:—None.

CONSIDERATION OF RESOLUTION.

Mr. Hildreth, pursuant to notice heretofore given, moved that the vote by which the resolution:

S. J. R. 69. Relative to the loan to the several counties of the State of the surplus bulls at Kilby prison.

Was lost on the last legislative day, be re-considered, which motion prevailed and said vote was re-considered.

Mr. Howle then moved that said resolution be put upon its immediate passage, which motion prevailed and the resolution was adopted and ordered sent forthwith to the House without engrossment.

RESOLUTION.

Mr. Hildreth offered the following Joint Resolution:

S. J. R. 72. Be it resolved by the Senate, the House concurring, That 2,000 copies of the General Acts passed at this session of the Legislature, be printed, in pamphlet form, as soon as possible, and that 10 copies be sent forthwith to the probate judge of each county in the State, and two to each member of the Senate and House of Representatives, one to each of the solicitors and judges of this State and one to each department of the State government, and the remainder to be distributed to the general public upon request.

Which was adopted and ordered set forthwith to the House without engrossment.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions:

By Mr. Foster:

S. J. R. 70. Relative to additional members for the recess agricultural committee, the recess educational committee and the recess code committee.

Also:

By Mr. Foster:

S. J. R. 71. Relative to requesting the State prison inspector to make report of his investigation of the alms houses of the several counties of the State.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 62. To amend an act approved September 5th, 1919, entitled, "An act to further extend the power and authority of boards of revenue of counties having a population of more than two hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particu-

larly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home, or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations or otherwise.

Also:

H. 76. To amend section six thousand nine hundred and sixty-five (6965) of the criminal code of Alabama, 1907.

Also:

H. 139. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the governor or either House of the Legislature, upon important constitutional questions and

Also:

H. 81. To further provide for the conveyance of lands owned or claimed by the State of Alabama, and to confirm such titles or conveyances heretofore made.

Also:

H. 20. To repeal section 6697 of the code of Alabama of 1907, and to discharge the bonds thereunder existing.

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING.

The bill:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

Was taken up.

The Committee on Finance and Taxation offered the following amendment to said bill:

Amend by adding at the end thereof the following proviso:

"Provided, that the members of no recess committees, except the Code committee and the committee which is required to sit with the Budget commission and required to devise a well defined financial plan and policy for the State and its several de-

partments shall be authorized to draw or receive compensation for more than twenty days.

Which was adopted.

Yeas, 28; nays, 1.

Yeas:

Messrs:

Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Martin	Randall
Caffey	Hildreth	McNeil	Slone
Carlton	Horton	Nolen	Teasley
Carmichael	Hutson	Oliver	Tunstall
Craft	Inzer	Overton	Waddell

—28

Nays: Mr. Adams—1.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 2.

Yeas:

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Powell
Brooks	Garth	Martin	Randall
Brower	Griffith	Middleton	Slone
Caffey	Hildreth	McNeil	Teasley
Carlton	Horton	Nolen	Tunstall
Carmichael	Hudgens	Oliver	Waddell
Craft	Hutson		

—30

Nays: Messrs. Jones of Barbour and Pelham—2.

On motion of Mr. Teasley the further consideration of:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

~~Was passed temporarily without losing its place on the calendar.~~

On motion of Mr. Teasley the further consideration of:

S. 99. To amend section 7 of an act "To regulate elections; to provide for the registration and furnishing of a list of qualified electors to the election inspectors." Approved October 2nd, 1920.

Was indefinitely postponed by the Senate.

The bill:

H. 235. To appropriate the sum of Fifty Thousand dollars for the payment of amounts due by the State to the sheriffs of

the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

Was read a third time at length and passed.

Yeas, 33; nays, 1.

Yeas:

Messrs:

Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hutson	Nolen	Tunstall
Duncan	Inzer	Oliver	Waddell
Ellis			

—33

Nays: Mr. Adams—1.

The bill:

S. 126. To permit newspaper editors, publishers and employees of newspapers to accept free transportation from railroads and other common carriers in exchange for space and advertisements in their newspapers and to permit the use of such railroad transportation on railroads and other common carriers by the editors, publishers and employees of newspapers holding the same.

Was read a third time at length and lost.

Yeas, 13, nays, 21.

Yeas:

Messrs:

Bonner	Griffith	Jones (Barbour)	Oliver
Craft	Hildreth	Middleton	Overton
Duncan	Hudgens	Nolen	Teasley
Foster			

—13

Nays:

Messrs:

Adams	Ellis	Johnson	Powell
Brooks	Garth	Jones (Conecuh)	Randall
Brower	Horton	Martin	Slone
Caffey	Hutson	McNeil	Tunstall
Carlton	Inzer	Pelham	Waddell
Carmichael			

—21

Mr. Teasley, before result of vote was announced, changes his vote from yea to nay, for the purpose of moving for a reconsideration of the vote by which the bill was lost.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 112. To amend Sections 15, 16, and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said Commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

J. H. Stewart,
Clerk.

RECESS.

At 1:00 o'clock P. M., on motion of Mr. Pelham the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION—FOURTEENTH DAY.

Thursday, February 8th, 1923.

The Senate re-assembled at 3 o'clock P. M., Lieutenant Governor McDowell presiding.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson	Oliver	

—35

REPORTS OF COMMITTEES.

Mr. Brooks, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Williams:

H. 108. To repeal an act entitled, "An act to regulate the fees of the judge of the County court of Franklin county, Alabama." Approved February 21, 1893.

By Mr. Poole:

H. 200. To fix the salary of the deputy solicitor for Butler county, Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate Joint Resolution No. 53, relative to recognizing the efforts of Mr. E. F. Allison, of Bellamy, Alabama, in his efforts to preserve the wild game of the State.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. Moxley.

H. J. R. 21. Joint resolution of assent to act of congress for the promotion of the welfare and hygiene of maternity and infancy.

Whereas, the congress of the United States has passed an act approved by the President, November 23, 1921, entitled, "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," and

Whereas, it is provided in sections 2 and 4 of the act afore-said, that the grants of money authorized by this act "shall be paid annually to each state," and "that in order to secure the benefits of the appropriations * * * any state, shall through the legislative authority thereof, accept the provisions of the act and designate or authorize the creation of a State agency with which the children's bureau shall have all necessary powers to co-operate as herein provided in the administration of the provisions of this act; provided that in any state having a child welfare or child hygiene division in its state agency of health the said State Board of Health shall administer the provisions of this act through such divisions;" therefore be it

Resolved, by the House of Representatives of Alabama and the Senate concurring that the assent of the Legislature of the State of Alabama be and is hereby given to the provisions and requirements of said act, and the treasurer of the State of Alabama be and he is hereby authorized and empowered to receive the grants of money appropriated under said act; and the State Board of Health be and is hereby authorized to organize and conduct the work in accordance with the terms and conditions expressed in the act of congress aforesaid.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolution No. 21 set out in the foregoing message from the House was read and referred to the standing committee on Public Health.

BILLS INDEFINITELY POSTPONED.

On motion of Mr. Brower, the further consideration of:

H. 113. To fix the compensation of circuit clerks of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal Census.

Also:

H. 162. To fix the compensation or salary of probate judges of all counties of the State of Alabama having a population of more than 200,000, according to the last or any subsequent Federal Census and to provide for paying same.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING.

The bill:

H. 125. To amend an act entitled, "An act to establish an Inferior Criminal court for Jefferson county, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and ~~other officers thereof; to provide a place for holding said court:~~ the terms and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carmichael	Horton	Middleton	Slone
Craft	Hudgens	McNeil	Teasley
Duncan	Hutson	Nolen	Tunstall
Ellis	Inzer	Oliver	Waddell

—32

Nays:—None.

The bill:

H. 221. To authorize the increase of the capital stock or shares of Building and Loan associations organized under the laws of this State.

Was read a third time, at length and passed.

Yeas, 32; nays, 1.

Yeas:

Messrs:

Adams	Foster	Inzer	Oliver
Brooks	Garth	Johnson	Overton
Brower	Griffith	Jones (Barbour)	Pelham
Carlton	Hildreth	Jones (Conecuh)	Powell
Carmichael	Horton	Martin	Randall
Craft	Howle	Middleton	Slone
Duncan	Hudgens	McNeil	Teasley
Ellis	Hutson	Nolen	Tunstall

—32

Nays: Mr. Waddell—1.

H. 121. To provide for the government and control by civil
The bill:

service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a civil service board in such cities, fixing their duties, authority and powers.

Was read a third time at length and passed.

Yeas, 30; nays, 1.

Yeas:

Messrs:

Adams	Foster	Johnson	Oliver
Brooks	Garth	Jones (Barbour)	Overton
Brower	Griffith	Jones (Conecuh)	Pelham
Carlton	Hildreth	Martin	Powell
Carmichael	Horton	Middleton	Slone
Craft	Howle	McNeil	Teasley
Duncan	Hudgens	Nolen	Tunstall
Ellis	Inzer		

—30

Nays: Mr. Waddell—1.

The bill:

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal Census; or which shall have such population according to any such census that may be hereafter taken special funds to be known as Policemen's Pension and Relief Funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this Act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payment for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other Section or provision; to provide when the Act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

Was read a third time at length and passed.

Yeas, 32; nays, 1.

Yeas:

Messrs:

Adams	Ellis	Hutson	Nolen
Brooks	Foster	Inzer	Oliver
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Barbour)	Powell
Carlton	Hildreth	Jones (Conecuh)	Randall
Carmichael	Horton	Martin	Slone
Craft	Howle	Middleton	Teasley
Duncan	Hudgens	McNeil	Tunstall

—32

Nays: Mr. Waddell—1.

On motion of Mr. Brower, the further consideration of:

H. 120. To fix and regulate the compensation of the Registers of the Circuit Court in counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal Census, and to provide for the payment of such compensation.

Was indefinitely postponed by the Senate.

The bill:

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Hudgens	McNeil	Teasley
Carmichael	Hutson	Nolen	Tunstall
Craft	Inzer	Oliver	Waddell
Ellis			

—33

Nays:—None.

The bill:

H. 138. To authorize the courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the made of proving the same.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

*Yeas:**Messrs:*

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Nolen	Tunstall
Duncan	Inzer	Oliver	Waddell
Ellis			

—33

Nays:—None.*The bill:*

H. 173. To amend an Act entitled, "An act to amend section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

*Yeas:**Messrs:*

Adams	Ellis	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Powell
Caffey	Horton	Martin	Randall
Carlton	Howle	Middleton	Slone
Carmichael	Hudgens	McNeil	Tunstall
Craft	Hutson	Nolen	Waddell
Duncan			

—33

Nays:—None.*The bill:*

H. 178. To amend section 3528 of the Code of Alabama of 1907, and to repeal all laws and parts of laws, general, local, private and especial in conflict with said section as hereby amended."

Was taken up.

Mr. Nolen offered the following amendment to said bill:

Amend section 1 of said bill by striking therefrom the words "one hundred thousand" and substituting in lieu of such stricken words the words "fifty thousand;"

Further amend said section 1 by inserting after the words "shall have adopted an appropriate resolution" and before the words "authorizing the conduct and operation of a trust department" the following words, to-wit:

"And obtained the written approval of the State Superintendent of Banks;"

Further amend said section by inserting after the words "and a copy of such resolution" and before the words "certified to by the president and cashier" the following words, to-wit:

"And written approval."

Which was adopted.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Carlton	Hildreth	Martin	Randall
Carmichael	Horton	Middleton	Slone
Craft	Howle	McNeil	Tunstall
Duncan	Hudgens	Nolen	Waddell

—32

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Jones (Barbour)	Overton
Bonner	Garth	Jones (Conecuh)	Pelham
Brooks	Griffith	Martin	Powell
Brower	Hildreth	Middleton	Randall
Carlton	Horton	McNeil	Slone
Carmichael	Hudgens	Nolen	Tunstall
Craft	Inzer	Oliver	Waddell
Duncan	Johnson		

—30

Nays:—None.

The Senate then took an informal recess subject to call of the President.

The Senate re-assembled on call of the President.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills and resolutions with the engrossed and original bills and resolutions respectively, and find same correctly enrolled, to-wit:

S. J. R. 71. Relative to the State prison inspector reporting to the recess Budget committee the condition of the several alms houses of the several counties of the State, and recommending such legislation as they may deem proper.

S. J. R. 70. Relative to the additional members to the recess agricultural, educational and code committees.

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

C. R. Horton,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions; the titles of which are set out in the foregoing report from the committee on Enrolled Bills.

COMMITTEE REPORT.

Mr. Randall, Chairman of the standing committee on Public Health, reported that said committee in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 21. Relative to the assent of the Legislature of Alabama to the provisions and requirements of an act of congress approved November 23, 1921, entitled, "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes."

And on motion of Mr. Randall said report was concurred in and said resolution adopted.

Yeas, 23; nays, 8.

Yeas:

Messrs:

Adams
Brooks
Brower
Caffey
Carmichael
Craft

Foster
Garth
Horton
Howle
Hudgens
Hutson

Inzer
Johnson
Jones (Conecuh)
McNeil
Nolen
Oliver

Overton
Powell
Randall
Tunstall
Waddell

—23

Nays:

Messrs:

Bonner
Carlton

Griffith
Hildreth

Jones (Barbour)
Martin

Pelham
Teasley

—8

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the report of the Conference Committee on the disagreement of the two houses on the Senate amendment to the bill:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violaton of any of the provisions of this act.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 221. To authorize the increase of the capital stock or shares of Building and Loan associations organized under the laws of this State.

Also:

H. 74. To amend section 6958 of the criminal code of Alabama, 1907.

Also:

H. 165. To regulate further the highway department of the State of Alabama as to location, construction, repair and maintenance of the public roads, bridges and highways in the State of Alabama.

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate; signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

ADJOURNMENT.

At 6:10 P., M., on motion of Mr. Adams, the Senate adjourned until 10:00 o'clock tomorrow morning.

FIFTEENTH DAY.

Friday, February 9th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Mr. Pelham of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Foster	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Horton	Middleton	Slone
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Duncan	Inzer		

—34

JOURNAL.

On motion of Mr. Inzer, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hutson:

S. 163. For the protection of the political and civil rights of employees. To make it unlawful for employers to prohibit the political activities of employees and to prescribe punishment for the violation of said act.

Privileges and Elections.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 178. To amend section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended.

J. H. Stewart,
Clerk.

LEAVE OF ABSENCE.

On motion of Mr. Foster, leave of absence was granted Mr. Ellis for today.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committees as follows:

H. 240. To the committee on Revision of Laws.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bill and S. J. R. with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 112. To amend sections 15, 16, and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

S. J. R. 53. Relative to the recognition by the Senate and House of Representatives of the efforts of Mr. E. F. Allison of Bellamy, Sumter county, Alabama, in the preservation of the wild game of the State placing it under obligation to him, ex-

pressing their appreciation of his service, making this a part of the records of the Senate and House and gurnishing him a copy of this resolution.

C. R. Horton,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and resolution; the titles of which are set out in the foregoing report from the committee on Enrolled Bills.

RESOLUTION.

Mr. Foster offered the following resolution:

S. R. 73. Resolved that the Senate does hereby request the House to return to it H. 233, in order that the Senate may consider the re-consideration of the votes by which the bill and Senate amendment were passed in the Senate.

Which was adopted under a suspension of the rules.

On motion of Mr. Teasley, the bill:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Was passed to next legislative day without losing place on calendar.

BILLS ON THIRD READING.

The bill:

~~S. 159. To amend sections 4754, 4758, 4761, 4762, 4770, 4774, 4777 and 4782 of the Code of Alabama 1907,~~

Was taken up.

The following amendment offered by the Committee on Judiciary, to-wit:

Amend Senate bill No. 159 by adding the word "and" between the figures 4774 and 4777; and by striking out the words and figures "and 4782" as the same appear in the caption of said bill; and by further striking from said bill section eight thereof.

Was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Conecuh)	Pelham
Brower	Hildreth	Martin	Powell
Caffey	Horton	Middleton	Randall
Carlton	Howle	McNeil	Slone
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson		

—30

Nays:—None.

And said bill, as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Johnson	Overton
Bonner	Garth	Jones (Barbour)	Pelham
Brooks	Griffith	Jones (Conecuh)	Powell
Brower	Hildreth	Martin	Randall
Caffey	Howle	Middleton	Slone
Carlton	Hudgens	McNeil	Teasley
Carmichael	Hutson	Nolen	Tunstall
Craft	Inzer	Oliver	

—31

Nays:—None.

The bill:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Caffey	Duncan	Hudgens
Bonner	Carlton	Griffith	Hutson
Brooks	Carmichael	Hildreth	Inzer
Brower	Craft	Horton	Johnson

Jones (Conecuh)	McNeil	Pelham	Slone
Martin	Nolen	Powell	Tunstall
Middleton	Oliver	Randall	Waddell

—28

Nays:—None.

The bill:

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

Was taken up.

The following amendment offered by the Judiciary Committee, to-wit:

To amend said bill by inserting after the words: "Shall reside out of the State," the words: "or whose residence is unknown."

Was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Griffith	Johnson	Overton
Bonner	Hildreth	Jones (Conecuh)	Pelham
Brooks	Horton	Martin	Randall
Brower	Howle	Middleton	Slone
Carlton	Hudgens	McNeil	Teasley
Carmichael	Hutson	Nolen	Tunstall
Foster	Inzer	Oliver	Waddell
Garth			

—29

Nays:—None.

And said bill, as thus amended was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Garth	Johnson	Overton
Bonner	Griffith	Jones (Conecuh)	Pelham
Brooks	Hildreth	Martin	Powell
Brower	Horton	Middleton	Randall
Carlton	Howle	McNeil	Slone
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Foster	Inzer		

—30

Nays:—None.

The bill:

S. 134. To establish and regulate liens in favor of garage keepers, automobile repairmen, or bailees of motor vehicles, for storing, maintaining or repairing motor vehicles, or furnishing gasoline, accessories, parts, or other supplies for motor vehicles,

and to regulate the procedure for the enforcement thereof.

Was taken up.

The Committee on Judiciary offered the following substitute to said bill, to-wit:

Substitute for S. 134:

A BILL

To be entitled an act, To establish and regulate liens in favor of garage keepers, automobile repairmen, or bailees of motor vehicles, for storing, or repairing motor vehicles, or furnishing accessories, or parts for motor vehicles, and to regulate the procedure for the enforcement thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That all persons or corporations engaged in the business of keeping a garage or place for storage, or repairing of motor vehicles, and who in connection therewith store or repair any motor vehicle, or furnish accessories or parts therefor in making such repairs at the request of the owner or his representative have a lien of the owner thereof, or in the possession of any purchaser thereof, with notice of such lien for the price if agreed on, or if not, for the value of such storing, or repairing of such motor vehicle or for such furnishing of accessories or parts.

Section 2. That any person or corporation acquiring a lien under the provisions of section one hereof may enforce such lien in any court of law of competent jurisdiction, by attachment issued by any officer authorized to issue such writs, upon executing bond as in other cases of attachment, and upon making affidavit that the attachment is not sued out for the purpose of vexing or harassing the defendant, and describing the property on which the lien is claimed, and setting forth all the facts necessary to the creation of the lien under the preceding section, and the amount due, and that one of the following causes of attachment exists:

(1). That the person for whom such motor vehicle was stored or repaired, or for whom such accessories or parts were furnished is the owner of such motor vehicle and that the price, if agreed on, or if not, the value of same, or some part of either is due and unpaid.

(2). That the person for whom such motor vehicle was stored or repaired, or for whom such accessories, or parts were furnished has transferred or sold such motor vehicle to a purchaser with notice of the lien, and that the price, if agreed on, or if not, the value of same, or some part of either, is due and unpaid.

Section (3). Proceedings for the enforcement of any lien created by the provisions of this article must be commenced with-

in six months after the demand becomes due; and unless commenced within that time, the lien is lost.

Which was adopted.

Yeas, 29; nays 0.

Yeas:

Messrs:

Adams	Garth	Inzer	Overton
Bonner	Griffith	Johnson	Pelham
Brooks	Hildreth	Martin	Powell
Brower	Horton	Middleton	Randall
Carlton	Howle	McNeil	Slone
Carmichael	Hudgens	Nolen	Tunstall
Craft	Hutson	Oliver	Waddell
Foster			

—29

Nays:—None.

And said bill, as thus amended was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Garth	Inzer	Oliver
Bonner	Griffith	Johnson	Overton
Brooks	Hildreth	Jones (Conecuh)	Pelham
Brower	Horton	Martin	Powell
Caffey	Howle	Middleton	Randall
Carlton	Hudgens	McNeil	Slone
Carmichael	Hutson	Nolen	Tunstall
Craft			

—29

Nays:—None.

The bill:

H. 27: To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Was read a third time at length and passed.

Yeas, 28; nays, 1.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Nolen
Brooks	Foster	Hutson	Oliver
Brower	Garth	Inzer	Overton
Caffey	Griffith	Johnson	Pelham
Carlton	Hildreth	Jones (Conecuh)	Randall
Carmichael	Horton	Martin	Slone
Craft	Howle	Middleton	Tunstall

—28

Nays: Mr. Bonner—1.

The bill:

H. 109. To repeal an act entitled "An act to regulate the issue of garnishments by justices of the peace and notaries public with same jurisdiction and powers of a justice of the peace, and proceedings thereon when a demand owing for on account of personal services rendered or to be rendered by the defendant, is sought to be subjected by process of garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin county.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hutson	Nolen
Bonner	Foster	Inzer	Oliver
Brooks	Garth	Johnson	Pelham
Brower	Hildreth	Jones (Barbour)	Powell
Caffey	Horton	Martin	Randall
Carlton	Howle	Middleton	Slone
Craft	Hudgens	McNeil	

—27

Nays:—None.

The bill:

S. 111. To prohibit the having in possession, or use, or operation of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced, and to prescribe penalties therefor.

Was taken up.

The following amendment offered by the Committee on Judiciary, to-wit:

Amend Senate Bill No. 111, by adding at the end of second line of section one the following words, "by any person not the bona fide owner thereof, or the legal bailee in rightful possession thereof."

Was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Hildreth	Jones (Barbour)	Overton
Bonner	Horton	Jones (Conecuh)	Pelham
Brooks	Howle	Martin	Powell
Brower	Hudgens	Middleton	Randall
Caffey	Hutson	McNeil	Slone
Carlton	Inzer	Nolen	Tunstall
Carmichael	Johnson	Oliver	Waddell
Foster			

—29

Nays:—None.

And said bill as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 31; nays, 1.

Yeas:

Messrs:

Adams	Foster	Johnson	Pelham
Bonner	Garth	Jones (Barbour)	Powell
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Slone
Carlton	Howle	Middleton	Teasley
Carmichael	Hudgens	McNeil	Tunstall
Craft	Hutson	Oliver	Waddell
Duncan	Inzer	Overton	

—31

Nays: Mr. Brooks—1.

On motion of Mr. Jones of Barbour, the further consideration of:

H. 46. To amend sections 3615 and 3622 of the Code of 1907. Was postponed until the 20th legislative day.

Yeas, 24; nays, 8.

Yeas:

Messrs:

Adams	Foster	Hudgens	Middleton
Brower	Garth	Hutson	Oliver
Caffey	Griffith	Johnson	Pelham
Carmichael	Hildreth	Jones (Barbour)	Powell
Craft	Horton	Jones (Conecuh)	Randall
Duncan	Howle	Martin	Slone

—24

Nays:

Messrs:

Bonner	Carlton	McNeil	Tunstall
Brooks	Inzer	Nolen	Waddell

—8

MOTION TO RECONSIDER, LOST.

Mr. Powell moved that the vote by which the bill:

S. 126. To permit newspaper editors, publishers and employees of newspapers to accept free transportation from railroads and other common carriers in exchange for space and advertisements in their newspapers and to permit the free use of such railroad transportation on railroads and other common carriers by the editors, publishers and employees of newspapers holding the same.

Was lost on yesterday, be reconsidered.

Mr. Waddell moved that the motion made by Mr. Powell be laid on the table, which motion prevailed and the motion was tabled, and the Senate refused to reconsider said vote.

Yeas, 22, nays, 10.

Yeas:

Messrs:

Adams	Garth	Johnson	Pelham
Brooks	Horton	Jones (Conecuh)	Powell
Brower	Howle	Martin	Randall
Caffey	Hudgens	McNeil	Slone
Carlton	Hutson	Nolen	Waddell
Carmichael	Inzer		

—22

Nays:

Messrs:

Bonner	Foster	Middleton	Overton
Craft	Hildreth	Oliver	Tunstall
Duncan	Jones (Barbour)		

—10

The bill:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Adams	Garth	Jones (Barbour)	Overton
Bonner	Griffith	Jones (Conecuh)	Pelham
Brooks	Hildreth	Martin	Powell
Caffey	Horton	Middleton	Slone
Carlton	Hudgens	McNeil	Tunstall
Duncan	Hutson	Nolen	Waddell
Foster	Inzer	Oliver	

—27

Nays:—None.

The bill:

H. 108. To repeal an act entitled "An act to regulate the fees of the judge of the county court of Franklin county, Alabama," approved February 21, 1893.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Adams	Garth	Jones (Barbour)	Oliver
Bonner	Griffith	Jones (Conecuh)	Pelham
Brooks	Hildreth	Martin	Powell
Caffey	Horton	Middleton	Slone
Carlton	Hudgens	McNeil	Tunstall
Craft	Inzer	Nolen	Waddell
Foster			

—25

Nays:—None.

The bill:

H. 200. To fix the salary of the deputy solicitor for Butler county, Alabama.

Was read a third time at length and passed.
Yeas, 25; nays, 2.

Yeas:

Messrs:

Brower	Hildreth	Jones (Conecuh)	Pelham
Caffey	Horton	Martin	Powell
Carlton	Howle	Middleton	Randall
Craft	Hudgens	McNeil	Slone
Foster	Inzer	Nolen	Tunstall
Garth	Jones (Barbour)	Oliver	Waddell
Griffith			

—25

Nays: Messrs. Adams and Bonner—2.

RESOLUTION.

Mr. Pelham offered the following Joint Resolution:

S. J. R. 74. Be it resolved by the Senate, the House concurring, That whereas the Constitution of Alabama fixes the compensation of members of the Legislature of Alabama at four dollars per day and whereas the duties of the various recess committees are so closely related to the duties of the Legislature as in effect as to be a part thereof.

Therefore, be it resolved that the compensation of the members of such recess committees be and the same is hereby fixed at four dollars per day, and they shall be allowed mileage to and from Montgomery for one trip only at the rate of ten cents per mile each way.

Be it further resolved that all laws or resolutions heretofore adopted that may be in conflict herewith be and the same are hereby repealed.

And moved that the rules be suspended, and said resolution be put upon its immediate passage, which motion was lost.

Yes, 7; nays, 20.

Yeas:

Messrs:

Bonner	Griffith	Overton	Slone
Caffey	Jones (Barbour)	Pelham	

—7

Nays:

Messrs:

Adams	Foster	Inzer	Powell
Brooks	Hildreth	Jones (Conecuh)	Randall
Carlton	Howle	Martin	Teasley
Carmichael	Hudgens	McNeil	Tunstall
Duncan	Hutson	Oliver	Waddell

—20

And the resolution was then referred to the standing committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill and resolution your signature thereto is requested:

H. 45. To ratify and confirm the charters and enlarge the powers of State conventions and associations of congregational religious churches that have been heretofore incorporated under general or special laws of this State or that may hereafter be incorporated under general laws.

Also:

H. 138. To authorize the courts of County Commissioners or Boards of Revenue of the several counties of the State of Alabama to re-establish stock law districts, where said districts have been heretofore established by vote of the people and the records thereof have been destroyed by fire and to provide the mode of proving the same.

Also:

H. 235. To appropriate the sum of fifty thousand dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

Also:

H. 173. To amend an act entitled "An act to amend section 1421 of the Code of 1907 of the State of Alabama," approved September 16, 1915.

Also:

H. 178. "To amend section 3528 of the Code of Alabama of 1907, and to repeal all laws, and parts of laws, general, local, private and special in conflict with said section as hereby amended."

Also:

H. J. R. 21. Relative to the assent of the Legislature of Alabama being given to the act of Congress of the United States, approved November 23, 1921, entitled "An act, for the promotion for the welfare and hygiene of maternity and infancy, and for other purposes."

J. H. Stewart,
Clerk.

SIGNING OF BILLS AND RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolu-

tion; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

By Mr. Long:

H. J. R. 51. Resolved by the House, the Senate concurring, That when the two Houses adjourn for the recess that they reconvene on Tuesday, July 10th at 12 o'clock noon.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolution No. 51 set out in the foregoing message from the House was read and referred to the standing committee on Rules.

RESOLUTIONS.

Mr. Brooks offered the following Senate Resolution:

S. R. 75. Resolved, That the doorkeeper be and hereby is required to remove all codes, acts and other books and official documents on the desks of the senators, put them in a place where they will be safe during the recess of the Legislature, and that he be given for such services two days pay after the recess.

Which was read and referred to the standing committee on Rules.

Mr. Hutson offered the following Joint Resolution:

S. J. R. 76. Be it resolved by the Senate, the House of Representatives concurring, That during the recess the Governor of Alabama is hereby authorized to have printed any bill which the Governor may prepare or have prepared under his direction, ~~or which any recess committee may prepare or have prepared;~~ and that these bills so printed shall be distributed among the members of the Legislature not less than ten days before the re-convening of the Legislature.

Which was adopted under a suspension of the rules, and ordered sent forthwith to the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 177. To amend an act entitled "An act to create a State Board of Control and Economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said boards" approved February 13, 1919.

J. H. Stewart,
Clerk.

RESOLUTIONS.

Mr. Griffith offered the following resolution:

S. J. R. 77. Be it resolved by the Senate, the House concurring that when the two Houses recess today for the afternoon session, that a joint meeting of the Rules committee be had immediately to fix and name time certain for adjournment of the present session.

Which was adopted under a suspension of the rules.

Mr. Craft offered the following Senate Resolution:

S. R. 78. Resolved by the Senate, that the members of the Senate hereby express their appreciation for the thoughtfulness of the Birmingham Age-Herald, Montgomery Advertiser and the Mobile Register in the furnishing of free copies of their papers to the members of the Senate, and hereby extend their thanks to the above mentioned papers.

Be it further resolved, that we hereby express our appreciation for the uniform courtesy and fairness of our presiding Lieutenant-Governor.

Which was adopted.

RECESS.

At 12:30 P. M., on motion of Mr. Adams the Senate took a recess until 3:00 o'clock this afternoon.

FIFTEENTH DAY—AFTERNOON SESSION

Friday, February 9, 1923.

The Senate re-assembled at 3 P. M., Lieutenant-Governor McDowell presiding.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Foster	Inzer	Oliver
Bonner	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Brower	Hildreth	Jones (Conecuh)	Powell
Caffey	Horton	Martin	Randall
Carlton	Howle	Middleton	Teasley
Carmichael	Hudgens	McNeil	Tunstall
Craft	Hutson	Nolen	Waddell
Duncan			

LEAVE OF ABSENCE.

Was granted Mr. Sloane for today and tomorrow.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature, approved February 13, 1919; to abolish, the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector who

shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy: To confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing of supplies of the public printing, and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages, and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

S. 103. To repeal an Act approved September 30, 1920, entitled, "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled, "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board", approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 77, relative to a joint session of the Rules committee of the two Houses, to settle upon the time for recess until the summer session.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

RESOLUTION.

Mr. Martin of the Rules Committee offered the following Joint Resolution:

S. J. R. 79. Resolved by the Senate, the House concurring, that when the Legislature adjourns this afternoon it adjourn to meet tomorrow morning at 10 o'clock, and that it adjourn tomorrow at 12 o'clock noon finally until it reconvenes on July 10th, 1923, at 12 M.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House.

REPORT FROM RULES COMMITTEE.

Mr. Martin, chairman of the standing committee on Rules, reported that said committee in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 51. Resolved by the House, the Senate concurring, That when the two Houses adjourn for the recess that they reconvene on Tuesday, July 10th, 1923, at 12 o'clock noon.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

Also favorably.

H. J. R. 9. Requesting the Attorney-General to investigate the constitutionality and validity of the acts exempting from taxation property of certain corporations and report his opinion to the Senate and House.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

Yeas, 21; nays, 8.

Yeas:

Messrs:

Adams	Garth	Johnson	Overton
Brower	Howle	Jones (Barbour)	Pelham
Carmichael	Hudgens	Jones (Conecuh)	Powell
Craft	Hutson	Martin	Randall
Duncan	Inzer	McNeil	Tunstall
Foster			

—21

Nays:

Messrs:

Bonner	Caffey	Griffith	Oliver
Brooks	Carlton	Hildreth	Teasley

—8

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by

or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy: To confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing, and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages, and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

C. R. Horton,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 27. To authorize the United States to file notice of lien for any tax on the property of any person in the office of the probate judge or registrar or recorder of deeds of any county, in this State, and to provide for the recording of such notice.

Also:

H. 133. To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize courts of County Commissioners, Boards of Revenue,

or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or at a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, and extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued.

Also:

H. 108. To repeal an act entitled "An act to regulate the fees of the judge of the county court of Franklin county, Alabama," approved February 21, 1893.

Also:

H. 71. To provide separate quarters for the examination of white and negro teachers, and to fix a penalty for the violation of its provisions.

Also:

H. 157. To provide for and prescribe the kind of notice that shall be given in all proceedings instituted by the widow and minor children, or either of them, to have the homestead set aside as exempt from administration and the payment of debts.

Also:

H. 121. To provide for the government and control by civil service regulations of the police department and fire department in cities of the State of Alabama having a population of one hundred thousand or more, according to the last or any succeeding Federal census; to provide for a Civil Service Board in such cities, fixing their duties, authority and powers.

Also:

H. 200. To fix the salary of the deputy solicitor for Butler county, Alabama.

Also:

~~H. 100. To repeal an act entitled "An act to regulate the issue of garnishments by justices of the peace and notaries public with same jurisdiction and powers of a justice of the peace, and proceedings thereon when a demand owing for or on account of personal services rendered or to be rendered by the defendant, is sought to be subjected by process of garnishment in the counties of Colbert and Franklin." Approved February 21, 1893. In so far as the same relates to or affects Franklin county.~~

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills, your signature thereto is requested:

H. 125. To amend an act entitled "An act to establish an Inferior Criminal Court for Jefferson county, Ala.; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Also:

H. 188. To provide for a better system of public roads for the county of Lamar, State of Alabama, and to provide ways and means by which said system may be maintained and effected, and to provide vehicle license and commutation fees and their manner of collection and expenditure.

Also:

H. 163. Imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—Providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act.

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the

Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 73 requesting the House to return to the Senate H. 233 for further consideration and the House accedes to the request of the Senate for said bill and said bill together with the Senate amendment is herewith returned to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE AND MOTION TO RE-CONSIDER.

Mr. Foster moves that the rules be suspended to re-consider the bill:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

Returned from the House on request of the Senate, which motion prevailed and the rules were suspended.

Yeas, 23; nays, 4.

Yeas:

Messrs:

Adams	Craft	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Brower	Garth	Jones (Conecuh)	Randall
Caffey	Griffith	Martin	Teasley
Carlton	Hildreth	McNeil	Tunstall
Carmichael	Hudgens	Nolen	

—23

Nays:

Messrs:

Bonner	Howle	Johnson	Pelham
--------	-------	---------	--------

—4

Mr. Foster then moved that the vote by which the bill as amended was passed, by the Senate, be re-considered. which motion prevailed.

Yes, 24; nays, 3.

Yeas:

Messrs:

Adams	Craft	Hudgens	Oliver
Brooks	Duncan	Jones (Barbour)	Overton
Brower	Foster	Jones (Conecuh)	Powell
Caffey	Garth	Martin	Randall
Carlton	Griffith	McNeil	Teasley
Carmichael	Hildreth	Nolen	Tunstall

—24

Nays:
Messrs:
Bonner

Howle

Pelham

—3

Mr. Foster then moved that the vote by which the Senate amendment to said bill was adopted, be reconsidered, which motion prevailed and said vote was reconsidered.

Mr. Foster then moved that the vote by which said bill was ordered to an engrossment and third reading be reconsidered, which motion prevailed.

Yeas, 23; nays, 5.

Yeas:

Messrs:

Adams
Brooks
Brower
Caffey
Carmichael
Craft

Duncan
Foster
Garth
Griffith
Hildreth
Horton

Hudgens
Hutson
Inzer
Jones (Conecuh)
Martin
McNeil

Nolen
Overton
Randall
Teasley
Tunstall

—23

Nays:

Messrs:

Bonner
Howle

Johnson

Jones (Barbour) Pelham

—5

Mr. Foster then offered the following amendment to said bill, to-wit:

Amend by adding at the end thereof the following proviso:

“Provided, that the members of no recess committees, except the Code Committee and the committee which is required to sit with the Budget commission and require to devise a well defined financial plan and policy for the State and its several departments, shall be authorized to draw or receive compensation for more than twenty days; and provided further however that the recess committee on education may draw and receive compensation for not more than thirty days and shall be reimbursed for actual railroad fares expended by the members of such committee on Education on any visits to the educational institutions and schools of the State.

Mr. Johnson offered the following amendment to said amendment, to-wit:

Amend the amendment by striking out the word “thirty” when it occurs and inserting in lieu thereof the word “twenty.”

Mr. Waddell moves that the amendment offered by Mr. Johnson to the amendment of Mr. Foster be laid on the table, which motion prevailed and the amendment to the amendment was tabled.

Yeas, 20; nays, 7.

Yeas:

Messrs:			
Adams	Duncan	Jones (Conecuh)	Powell
Brooks	Foster	Martin	Randall
Brower	Garth	McNeil	Teasley
Carmichael	Hildreth	Nolen	Tunstall
Craft	Horton	Oliver	Waddell

—20

Nays:

Messrs:			
Bonner	Carlton	Johnson	Pelham
Caffey	Howle	Jones (Barbour)	

—7

And the amendment offered by Mr. Foster was then adopted.
Yeas, 22; nays, 6.

Yeas:

Messrs:			
Adams	Duncan	Jones (Conecuh)	Powell
Brooks	Foster	Martin	Randall
Brower	Garth	McNeil	Teasley
Caffey	Hildreth	Nolen	Tunstall
Carmichael	Horton	Oliver	Waddell
Craft	Hudgens		

—22

Nays:

Messrs:			
Bonner	Howle	Jones (Barbour)	Pelham
Carlton	Johnson		

—6

And said bill as thus amended, was again read a third time at length and passed.

Yeas, 22; nays, 5.

Yeas:

Messrs:			
Adams	Craft	Hudgens	Oliver
Brooks	Duncan	Jones (Conecuh)	Randall
Brower	Foster	Martin	Teasley
Caffey	Garth	McNeil	Tunstall
Carlton	Hildreth	Nolen	Waddell
Carmichael	Horton		

—22

Nays:

Messrs:			
Bonner	Johnson	Jones (Barbour)	Pelham
Howle			

—5

RESOLUTION.

Mr. Overton offered the following Joint Resolution:

S. J. R. 80. Resolved by the Senate, the House concurring, that a committee of two from the Senate, to be appointed by the President of the Senate, and three from the House, to extend and invitation to Hon. Oscar W. Underwood, U. S. Sena-

tor from Alabama to address a joint session of the Alabama Legislature during the month of July, 1923, on such date and time to be agreed upon between the committee of the Senate and House created under this resolution and Mr. Underwood.

Which was under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolutions:

By Rules Committee:

H. J. R. 54. Be it resolved by the House, the Senate concurring, that the doorkeeper of the House and the doorkeeper of the Senate are allowed the sum of fifteen hundred dollars or so much thereof as may be necessary to pay the expenses incurred by the doorkeeper of the House and the doorkeeper of the Senate, to be paid out of the fund for the expenses of the Legislature. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for such bills when approved by the presiding officer of the Senate or House.

Also:

By Rules Committee:

H. J. R. 53. Be it resolved by the House, the Senate concurring, that the clerk of the House, the assistant clerk of the House, the reading clerk of the House, and five (5) assistants, to be named by the clerk of the House, and the secretary of the Senate, the assistant secretary of the Senate and the chief clerk in the Secretary of State's office, together with five (5) clerks to be named by the secretary of the Senate, be given a period of fifteen (15) days from the recess of the present session of the Legislature of Alabama, or so much thereof as may be necessary to check up, compare and arrange the Journal and Register of the House and Senate, and that they be allowed the same per diem as they are now allowed by law.

Also:

JOINT HOUSE RESOLUTION NO. 52.

H. J. R. 52. Be it resolved by the House, the Senate concurring, that a joint committee be raised, consisting of four from the House, to be appointed by the Speaker of the House, to which number the Speaker shall be added as ex-officio member, and two from the Senate, to be appointed by the Lieutenant Governor, and of which the President Pro Tem of the Senate shall be an ex-officio member, which committee, when appointed, shall be, and is hereby empowered to employ clerks, experts and attorneys and appoint sub-committees from its membership, and di-

rected to sit with the Budget commission during the recess period of the Legislature, to investigate the financial condition and needs of the State, and its several departments, and to act with and assist said State Budget commission in any manner that may be found necessary in order to carry out the purpose of said State Budget commission, so as to be able to report to the adjourned session of the Legislature a well-defined financial plan for the State, and the several departments thereof, the objects and amounts of expenditures the source and yield of revenues and the way the expenditures and revenues are made to balance, and a General Revenue bill, and make such other recommendations as it deems advisable, and said committee with the Budget commission shall also investigate the financial condition of the several counties, shall require the county authorities to furnish said committee with detailed statements showing the revenues of the counties and their indebtedness whether evidenced by bonds, warrants or otherwise, and the committee shall report their findings to the Legislature, with recommendations for legislation to aid the counties in handling their financial affairs.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

House Joint Resolutions Nos. 52, 53 and 54, the title of each of which was set out in the foregoing message from the House were each read and referred to the standing committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

And returns same herewith to the Senate

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Craft, the Senate concurred in the following amendment by the House to Senate bill 34, the title of which is set out in the foregoing message from the House, to-wit:

Amend Senate bill 34 by striking out the letter "I" in the 22nd line on page 2 of the bill and inserting in lieu thereof the word "in."

Yeas, 21; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Johnson	Oliver
Brooks	Foster	Jones (Barbour)	Pelham
Brower	Garth	Jones (Conecuh)	Randall
Caffey	Hildreth	McNeil	Tunstall
Carmichael	Horton	Nolen	Waddell
Craft			

—21

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. Resolution No. 79, relative to adjournment of the two Houses today to meet tomorrow and take final adjournment for recess on tomorrow at 12 o'clock M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

RESOLUTION.

Mr. Hildreth offered the following Senate Resolution:

S. J. R. 81. Be it resolved by the Senate: That no bill or resolution be considered for passage by the Senate on tomorrow, Saturday, February 10th, 1923.

Which was, under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President.

The House has passed the following Senate bill:

By Mr. Powell:

S. 128. To amend section 6110 of the Code of Alabama.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

H. J. R. 41. Be it resolved by the House, the Senate concurring, that a joint committee of five (5), two (2) from the Senate, to be appointed by the President of the Senate, and three (3) from the House, to be appointed by the Speaker of the House, sit during the recess of the Legislature to investigate and examine into and report back to the Legislature, at its adjourned session, the conservation laws of the State of Alabama relating to the natural resources of the State, viz.: Sea-foods, oysters, salt-water fish, game and fish, and other natural re-

sources of the State that demand the State's protection, but not Forestry.

Said committee shall not sit over ten working days.
And sends same herewith to the Senate.

J. H. Stewart.

Clerk.

HOUSE MESSAGE.

H. J. R. 41. Set out in the foregoing message from the House was read at length and passed.

Yeas, 22; nays, 1.

Yeas:

Messrs:

Adams	Foster	Johnson	Powell
Brooks	Hildreth	Martin	Randall
Brower	Horton	McNeil	Teasley
Caffey	Howle	Nolen	Tunstall
Carmichael	Hudgens	Pelham	Waddell
Craft	Inzer		

—22

Nays: Mr. Bonner—1.

REPORT FROM RULES COMMITTEE.

Mr. Martin, chairman of the standing committee on Rules reported that said committee in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 75. Requesting the doorkeeper of the Senate to place in a safe place all code, acts and other books and official documents of the senators during the recess.

And on motion of Mr. Martin said report was concurred in and the resolution adopted.

Also favorably:

H. J. R. 53. Relative to the clerk of the House, the assistant clerk of the House, the reading clerk of the House and five assistants, the secretary of the Senate, the assistant secretary of the Senate, the chief clerk in the secretary's office, together with five clerks to be named by the secretary, be given a period of fifteen days to check up, compared and arrange said Journal and Register of the House and Senate, and that they be allowed per diem as they are now allowed by law.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Adams	Carmichael	Foster	Howle
Brooks	Craft	Hildreth	Hudgens
Caffey	Duncan	Horton	Inzer

Johnson	McNeil	Pelham	Teasley
Jones (Conecuh)	Nolen	Randall	Waddell

—20

Nays:—None.

Also favorably:

H. J. R. 54. Allowing the doorkeeper of the House and the doorkeeper of the Senate the sum of \$1500.00 or so much thereof as may be necessary to pay the expenses incurred by this Legislature, to be paid out of the fund for the expenses of the Legislature.

And on motion of Mr. Martin said report was concurred in and the resolution adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs:

Adams	Duncan	Johnson	Powell
Brooks	Foster	Jones (Conecuh)	Randall
Caffey	Horton	McNeil	Teasley
Carlton	Howle	Nolen	Tunstall
Carmichael	Hudgens	Oliver	Waddell
Craft	Inzer	Pelham	

—23

Nays: Mr. Martin—1.

Also favorably:

H. J. R. 52. Creating a joint recess committee to investigate the financial condition and needs of the State.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Martin	Powell
Brooks	Foster	McNeil	Randall
Caffey	Horton	Nolen	Teasley
Carlton	Hudgens	Oliver	Tunstall
Carmichael	Inzer	Pelham	Waddell
Craft	Johnson		

—22

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate Joint Resolution 80. Relative to extending an invitation to Senator Oscar W. Underwood, to address a joint session of the Legislature of Alabama next July.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties."

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Foster the Senate concurred in the following amendment by the House to Senate bill 72, the title of which is set out in the foregoing message from the House, to-wit:

Amend said bill by adding thereto:

Provided, however, that when the owner or operator of such vehicle has paid such a license tax to the proper official or officials of the county of his residence, he shall not be required to pay such license tax to the officials of any other county, for the use of the public roads for going in or through such other county from or to the county in which he resides.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Inzer	Pelham
Brooks	Foster	Johnson	Powell
Caffey	Horton	McNeil	Randall
Carlton	Howle	Nolan	Taney
Carmichael	Hudgens	Oliver	Waddell
Craft			

—21

Nays:—None.

On motion of Mr. Foster the Senate concurred in the following amendment by the House to Senate bill 72, the title of which is set out in the foregoing message from the House, to-wit:

Amend Senate bill 72.

By amending the title by adding after the words "several counties," the following, "approved September 22nd, 1915."

Yeas, 20; nays, 0.

Yeas:

Messrs:

Adams	Craft	Hudgens	Oliver
Brooks	Duncan	Inzer	Pelham
Caffey	Foster	Johnson	Powell
Carlton	Horton	McNeil	Randall
Carmichael	Howle	Nolen	Waddell

—20

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions:

S. J. R. 69. Relative to the loan by the convict department of bulls to the various counties of the State.

Also:

S. J. R. 72. Relative to having 2,000 copies of the general acts passed at this session printed for the use of the members of the Legislature, the probate judges, and other officers of the State.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 5:30 P. M., on motion of Mr. Waddell the Senate adjourned until 10:00 o'clock tomorrow morning.

SIXTEENTH DAY.

Saturday, February 10th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

Prayer by Mr. Adams of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Inzer	Oliver
Bonner	Foster	Johnson	Overton
Brooks	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Randall
Carlton	Horton	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Nolen	Waddell
Duncan	Hutson		

—34

JOURNAL.

On motion of Mr. Nolen, reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

A MESSAGE FROM THE GOVERNOR.

To the Senate and House of Representatives:

Senate Bill 112 by Mr. Brower, which is an Act to amend sections 15, 16 and 47 of the act approved October 1, 1920, and known as the Alabama Public Utility Act of 1920, has been received by me.

To the purposes of said Senate Bill 112 I give my hearty approval. Upon a careful consideration of said Bill, I find that it ought to be returned to you with the following objection of the Governor, to-wit:

That part of section 16 of said bill which reads as follows:

~~"When any order of valuation or of re-valuation of the commission heretofore made, has become a final order, an appeal may be taken therefrom by the utility or by any person, as defined herein, who is a party to the cause before the commission to the circuit court of Montgomery County, Alabama, in equity, within thirty days from the date of such final order, and upon the hearing of such appeal that court shall have the right to affirm the order of the commission, or reverse the same and remand the case to the commission for further consideration."~~

Should be stricken out, and in lieu thereof the following should be inserted, namely:

"When any order of valuation or of re-valuation of the commission hereafter made, has become a final order an appeal may be taken therefrom by the utility or by any person, as defined herein, who is a party to the cause before the commission, to the circuit court of Montgomery County, Alabama, in equity, within thirty days from the date of such final or-

der, and upon the hearing of such appeal that court shall have the right to affirm the order of the commission, or reverse the same and remand the cause to the commission for further consideration."

In my opinion said quoted part of said bill above set out should be struck out and the provision which I recommended should be inserted for the following reasons to-wit:

This part of said section 16 of said bill should be so worded as to apply to any order of valuation or of re-valuation of the commission hereafter made. If the said quoted clause remains in the bill as passed, it can have no application because I find it has now been more than thirty days since any such order has been made by said commission, and such provision should so read as to make the right of appeal therein referred to apply to any such order hereafter made.

Wm. W. Brandon,
Governor.

GOVERNOR'S MESSAGE.

The Senate received the foregoing message from His Excellency, the Governor, with his objections and proposing an amendment to the bill:

S. 112. To amend sections 15, 16, and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their services, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

And on motion of Mr. Foster, the Senate concurred in and adopted the amendment proposed by the Governor to said bill, said amendment being set out in the foregoing message from the Governor.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Johnson	Pelham
Brooks	Foster	Jones (Barbour)	Powell
Caffey	Griffith	Martin	Randall
Carlton	Horton	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Duncan	Inzer	Oliver	Waddell

Nays:—None.

—24

Being a majority of the whole number elected to the Senate.

And said bill, as thus amended, was again read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Johnson	Pelham
Brooks	Foster	Jones (Barbour)	Powell
Caffey	Griffith	Martin	Randall
Carlton	Horton	McNeil	Teasley
Carmichael	Hudgens	Nolen	Tunstall
Duncan	Inzer	Oliver	Waddell

—24

Nays:—None.

Being a majority of the whole number elected to the Senate.

REPORTS OF COMMITTEES.

Mr. Powell, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite:

H. 240. To fix the compensation of members of the Board of Revenue in all counties of two hundred thousand population or more, according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 105. To repeal an Act approved September 26th, 1922, entitled "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said board," approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree.

Also:

S. 128. To amend section 6110 of the Code of Alabama.

C. R. Horton,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the committee on Enrolled Bills.

BILL TEMPORARILY POSTPONED.

On motion of Mr. Teasley, the bill:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Was passed to next legislative day without losing place on calendar.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House Joint Resolution 61:

By Rules Committee:

H. J. R. 61. Resolved by the House, the Senate concurring, that the Speaker of the House be and is hereby authorized and directed to appoint one additional member of the Code Commission.

And sends herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Foster, the rules were suspended, and H. J. R. 61, set out in the foregoing message from the House, was concurred in and adopted by the Senate.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Adams
Brooks
Caffey

Carlton
Carmichael
Craft

Duncan
Ellis
Griffith

Horton
Hudgens
Inzer

Johnson
Jones (Barbour)
Martin

Middleton
McNeil
Nolen

Oliver
Powell
Randall

Teasley
Tunstall
Waddell

—24

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

And returns same herewith to the Senate.

J. H. Stewart.

Clerk

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 83. To amend an act approved September 30th, 1920, entitled "An act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said Departments'."

And returns same herewith to the Senate.

J. H. Stewart,

Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

And returns same herewith to the Senate.

J. H. Stewart,

Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bill with the engrossed and original bill respectively, and finds same correctly enrolled, to-wit:

S. 83. To amend an act approved September 30th, 1920, entitled "An act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said department'."

C. R. Horton,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the Governor to the bill,

S. 112. To amend sections 15, 16 and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities, and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

By a vote of a majority of the whole number elected to the House of Representatives. The vote on said Governor's amendment to said bill, S. 112 being, yeas, 74; nays, 0.

And the bill,

S. 112. To amend sections 15, 16 and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities, and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

As amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed. Yeas, 75; nays, 0, which was a majority vote of the whole number elected to the House of Representatives.

And said bill, S. 112, together with the amendment of the Governor is herewith returned to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following Joint Resolution:

H. J. R. 57. Resolved by the House, the Senate concurring, a committee of three to be composed of one member from the Senate, and two members from the House be appointed by the respective presiding officers of the two bodies, to invite the Hon. J. Thos. Heflin, U. S. Senator from Alabama, to address a joint session of the Legislature of Alabama during the month of July, 1923.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Jones of Barbour, the rules were suspended, and H. J. R. 57, set out in the foregoing message from the House, was put upon its immediate passage and adopted by the Senate.

The President and presiding officer of the Senate appointed as committee on part of the Senate, Mr. Jones of Barbour.

APPOINTMENT OF COMMITTEE.

Pursuant to Senate Joint Resolution No. 80 heretofore adopted, creating a joint committee to invite Hon. Oscar W. Underwood, U. S. Senator from Alabama, to address the Legislature during the month of July, the President and presiding officer of the Senate appointed as a committee on the part of the Senate Messrs. Overton and Randall.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bills and House Joint Resolutions, your signature thereto is requested.

H. 179. To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census; or which shall have such population according to any such census that may be hereafter taken special funds to be known as policemen's pension and relief funds, same created in connection with the regularly organized and paid police departments of such cities; to provide for the setting apart of such funds, to create a pension and relief system applicable to members of the police departments of such cities; to provide for the creation of such funds and for appropriations to make up deficit therein and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall come under the provisions of this act; to provide who shall hear and decide applications for pension and relief and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police department in such cities during their disability, and for the retirement of such members on pension, either by reason of term of service or disability; to provide for the pensioning of members of such police department after twenty years of service therein, the last five of which are consecutive years service; to provide for allowances or benefits to widows and children and dependent widowed mothers of such members of such police department in the event of death of such member; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide for applications to be made by widows and children or widowed mothers for benefits; to provide that members receiving benefits shall be bona fide residents of the county in which the city is located which creates the fund from which such members, respectively, receives benefit; to provide for gifts, donations, legacies or otherwise to be made to such funds

and for the appointment of trustees for all purposes in connection therewith; and providing that any section or provision of the act being held unconstitutional shall not affect the validity of any other section or provision; to provide when the act shall take effect; to provide that all laws and parts of laws in conflict with the provisions of the act be repealed.

Also:

H. 233. To fix the per diem or compensation of members of all recess committees appointed by joint resolution of the two houses of the Legislature.

Also:

H. J. R. 9. Requesting the Attorney General to investigate the constitutionality of the Statutes exempting from taxation the property of certain corporations owning large interests in the State and report his opinion to the Senate and House.

Also:

H. J. R. 5. Resolved by the House, the Senate concurring, that when the two Houses adjourn for the recess, that they reconvene on Tuesday July 10th, 1923, at 12 o'clock noon.

J. H. Stewart,

Clerk.

SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions; the titles of which are set out in the foregoing message from the House.

APPOINTMENT OF COMMITTEES.

To the Senate of Alabama:

Under the authority vested in the Lieutenant Governor, as President of the Senate, by joint resolution of the Senate and the House, I hereby appoint the following recess committees:

~~1. Code Commission: Senators Waddell, Hildreth, Tunstall and Carmichael.~~

2. Educational Committee: Senators Inzer, Adams, McNeil, and Hudgens.

3. Budget Committee: Senators Ellis, Foster and Carlton.

4. Agricultural Committee: Senators Duncan, Garth and Horton.

5. Fish and Game Committee: Craft and Jones of Conecuh.
Charles S. McDowell,

Lieut.-Gov. and President of the Senate.

February 10, 1923.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following joint resolution:

By Rules Committee:

H. J. R. 63. Resolved by the House the Senate concurring, that a committee of two from the House and two from the Senate, be appointed to wait upon the Governor to ascertain if he has any further business to submit to the two houses, before adjourning for the recess.

And the Speaker names as committee on part of the House Messrs. Tunstall and Fite.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 63, set out in the foregoing message from the House, was concurred in and adopted by the Senate, and the President and presiding officer of the Senate appointed as a committee on part of the Senate, Messrs. Oliver and Randall.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your standing committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following Enrolled Bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties."

Approved September 22nd, 1915.

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax, or so much thereof as may be necessary, to the re-imbursement of persons

in any school district, who in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

S. 112. To amend Sections 15, 16 and 47 of an Act entitled, "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of Public Utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act", approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

C. R. Horton,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

~~Mr. President:~~

~~The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill.~~

H. 235. To appropriate the sum of fifty thousand dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

And the House has concurred in and adopted the amendment proposed by the Governor to the said bill H. 235, by a majority vote of the whole number elected to the House. The vote on said proposed amendment being: Yeas, 75; nays, 0.

Said Governor's message proposing amendment to said bill H. 235, being as follows:

Message to the House of Representatives:

I return to you herewith House Bill No. 235, entitled "An Act to appropriate the sum of Fifty Thousand Dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for the feeding of prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid."

Without my approval, with the following objection: The second section of the act provides that upon the passage and approval of the act the Auditor be and is directed to draw his warrant upon the State Treasurer for the unpaid balance due any sheriff. The general statutes of the State prohibit the Auditor's drawing warrants to public officials who are then indebted to the State in an amount in excess of the warrant. Section two of this act would authorize if it did not require the payment to a sheriff who was then indebted to the State in an amount in excess of his warrant. I propose the following amendment to the bill which if made by the Legislature will meet my approval.

Amend the bill by adding at the end of the bill the following proviso:

"Provided that no payment shall be made to any sheriff which is in excess of the amount which such sheriff may then owe the State."

Respectfully submitted,

Wm. W. Brandon,
Governor.

Feb. 10, 1923.

And the House has again passed the said bill,

H. 235. To appropriate the sum of fifty thousand dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

By a vote of yeas, 75; nays, 0, which is a majority of the whole number elected to the House.

And the House herewith sends said bill together with the message of His Excellency, the Governor, proposing an amendment to the said bill H. 235 for the consideration of the Senate.

J. H. Stewart,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Foster the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor to House bill 235, the title of which is set out in the foregoing message from the House, and said amendment being set out in the foregoing message from the Governor.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Brooks
Caffey
Carlton

Carmichael
Duncan
Foster

Griffith
Horton
Hudgens

Inzer
Johnson
Jones (Barbour)

Martin
Middleton
McNeil

Nolen
Oliver
Pelham

Powell
Randall
Teasley

Tunstall
Waddell

—23

Nays:—None.

Being a majority of the whole number elected to the Senate.
And said bill, as thus amended, was again read a third time
at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Brooks
Caffey
Carlton
Carmichael
Duncan
Foster

Griffith
Horton
Hudgens
Inzer
Johnson
Jones (Barbour)

Martin
Middleton
McNeil
Nolen
Oliver
Pelham

Powell
Randall
Teasley
Tunstall
Waddell

—23

Nays:—None.

Being a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 177. To amend an act entitled "An Act to create a State board of control and economy; to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing the said board," approved February 13, 1919.

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by ~~a two-thirds vote of a quorum of the Senate present~~ and immediately after the title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

Under a joint resolution heretofore adopted inviting Hon. Oscar W. Underwood and Hon. J. Thos. Heflin, United States Senator, to address the two Houses in joint session sometime during the month of July, the Speaker names on said committee on part of the House:

Mr. Underwood: Tunstall, Ashcraft and Embry.

Mr. Heflin: Messrs. Walton and Ware.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

Under Joint Resolutions heretofore adopted and H. B. 16, the Speaker names the following members to serve on the joint recess committees as follows:

Reading and Revision of the Code—Messrs. Walker, Wall, Goodwyn, Luck, Rountree, Embry, Howze, St. John.

Game, Fish and Sea Food—Messrs. Grove, Hurley, Pickens.

Ways, Means and Appropriations—Messrs. Ashcraft of Lauderdale, Tunstall, Cunningham, Graves.

Committee on Education—Culver, Mrs. Wilkins, Walton, Hubbard, Louis Bowen, LeMaistre.

Agriculture—Burns, Goode, Dunwoody, Smith of Lee, Calloway.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House Joint Resolutions your signature thereto is requested.

H. J. R. 53. Relative to giving a period of fifteen days, or as much time as may be necessary, to check up, compare and arrange the Journal and Register of the House and Senate, and that they be allowed the same per diem as they are now allowed by the law.

Also:

H. J. R. 41. That a joint committee be appointed to sit, not over ten working days, during the recess of the Legislature, to investigate the conservation laws of the State relating to all national resources, except Forestry.

Also:

H. J. R. 5. Relative to a sum of money being paid the door keepers to pay necessary expenses incurred by them, to be taken out of the expenses of the Legislature.

Also:

H. J. R. 61. Relative to the appointment of one additional member of the Code Commission.

Also:

H. J. R. 52. That a committee from the House and Senate be appointed to co-operate with State Budget Commission during

recess and report at adjourned session of Legislature a well defined financial plan for the State.

J. H. Stewart,
Clerk.

SIGNING OF RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolutions, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 13. To provide for the residence of persons who are elected as members of the county board of education of Escambia county, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

With notice and proof attached hereto as follows:

LEGAL NOTICE.

State of Alabama, Escambia county—city of Brewton, the county seat.

Legal notice is hereby given under section 106 of the Constitution that I will apply to the Legislature of Alabama, to be held at Montgomery at its next session beginning January, 1923, for the passage of a law the substance of which is as hereinafter set out and shown; this notice is published without cost to the State in Escambia county, Alabama where the matter or thing affected by said law is situated; said notice is published in one, or both, The Brewton Standard and The Atmore Record, weekly newspapers, once a week for four consecutive weeks hereafter, both of which newspapers are published in said county; the substance of said proposed law is as hereinafter set out and shown in substance, and the same is made a part hereof; witness my hand on this the 21st day of November, 1922.

J. H. L. Henley,
County Representative

AN ACT.

To provide for the residence of persons who are elected as members of the County Board of Education of Escambia county, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this act Escambia county shall be and is divided into four Educational districts, Nos. 1, 2, 3, and 4, each of said districts shall coincide with, have the same boundary lines, and be the same Districts No. 1, 2, 3, and 4 now in said county from which are elected the four members of the Court of County Commissioners of said county.

Section 2. That one member of said County Board of Education shall reside in and be elected from each of said four districts by the qualified voters in said district, at the expiration of the several terms of the present members of said County Board of Education, and according as they severally expire; except that the chairman of said board may reside in any of said districts and shall be elected from the county at large by the voters in all of said districts. That is, to say, that at the election in the year 1924 when the term of one of the members on said board expires, a new member shall be elected on said board from said District No. 1; that at the election in the year 1926 when the term of two members on said board expires there shall be elected the Chairman of said board and also one member on said Board from said District No. 2; that in the year 1928 when the term of two members on said board expires there shall be elected one member on said board from said District No. 3, and one member on said Board from said District No. 4.

Section 3. That the terms of all members elected on said board under the provisions of this act shall be six years as now provided by law.

PROOF OF PUBLICATION.

I, W. E. Brooks, publisher of The Brewton Standard a weekly newspaper published at Brewton, Escambia county, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit:

November 30th, 1922, December 7th, 1922, December 14th, 1922, December 21st, 1922.

W. E. Brooks,

Publisher of The Brewton Standard.

Sworn to and subscribed before me this 22nd day of December, 1922.

C. B. Sawyer,

Notary Public.

(Seal)

Also:

H. 25. To vacate and annul the dedication to public use as a street or highway of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville road extending from the west side of Sixteenth street north to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,257.9) feet and to discontinue and abolish such street, and to extinguish the right of the public to use the same.

With notice and proof attached hereto as follows:

State of Alabama, }
Jefferson County. }

P. A. Lavallet, being duly sworn deposes and says that he is business manager of the Birmingham Age-Herald, a daily newspaper published in the city of Birmingham in Jefferson county, Alabama, and that the following notice was duly published in said Birmingham Age-Herald once a week for four consecutive weeks, viz., on December 21st and December 28th, 1922, and on January 4th and January 11th, 1923.

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at its next session, to enact a law to vacate and annul the dedication to public use of that certain street in the city of Birmingham, in Jefferson county, Alabama, which was formerly known as the Jonesville Road extending from the west side of Sixteenth street, north, to the east side of Milton avenue for a distance of two thousand two hundred and fifty-seven and nine-tenths (2,257.9) feet and to discontinue and abolish such street. The city of Birmingham has heretofore consented to such vacation and by agreement made between the undersigned and the said city of Birmingham another street has been opened through the property of the undersigned and dedicated to public use to take the place of the street so to be vacated.

American Cast Iron Pipe Co.

Affiant further states that said publication was made without cost to the State of Alabama or to Jefferson county, Alabama.

P. A. Lavallet.

Sworn to and subscribed to before me this 19th day of January, 1923.

Susan E. Wright,

(Seal)

Notary Public.

Also:

H. 26. To vacate and annul the dedication to public use as a street or highway of the following described property in the city of Birmingham, in Jefferson county, Alabama; beginning at a point on the southwest (SW) line of Thornton street where the center of Motley avenue if extended southwestwardly would intersect same, thence southeasterly along the line of Thornton street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course southwesterly parallel to the center line of Motley avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the north line of Second avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course ~~sixty-five and ninety-eight one hundredths (65.98) feet to a point~~ on the north line of Second avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the southwest (SW) line of Thornton street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the southwest (SW) line of Thornton street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's

first addition to Woodlawn, and to discontinue and abolish such street or highway.

With notice and proof attached hereto as follows:

State of Alabama, }
Jefferson County. }

P. A. Lavallet, being duly sworn deposes and says that he is business manager of the Birmingham Age-Herald, a daily newspaper published in the city of Birmingham in Jefferson county, Alabama, and that the following notice was duly published in said Birmingham Age-Herald once a week for four consecutive weeks, viz.: on December 21st and December 28th, 1922 and on January 4th and January 11th, 1923.

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at its next session, to enact a law to vacate and annul the dedication to public use as a street or highway of the following described property in the city of Birmingham, in Jefferson county, Alabama: Beginning at a point on the southwest line of Thornton street where the center of Motley avenue if extended southwestwardly would intersect same, thence southeasterly along the line of Thornton street a distance of twenty-five and twenty-two one hundredths (25.22) feet to a point, thence through an angle of ninety-seven (97) degrees thirty-five (35) minutes to the right and continuing on this course southwesterly parallel to the center line of Motley avenue extended a distance of two hundred and twenty-three and fifty-three one hundredths (223.53) feet to Second avenue; thence to the right through an angle of eighty-two (82) degrees eight (8) minutes and run on this course nineteen and seventy-three one hundredths (19.73) feet to a point on the north line of Second avenue, thence at the left through an angle of fifty-five (55) degrees four (4) minutes and run on this course sixty-five and ninety-eight one hundredths (65.98) feet to a point on the north line of Second avenue, thence to the right through an angle of one hundred and fifty-two (152) degrees fifty-six (56) minutes and run on this course parallel to the center line of Motley avenue a distance of two hundred and seventy-eight and forty-eight one hundredths (278.48) feet to the southwest (SW) line of Thornton street, thence to the right through an angle of thirty-two (32) degrees twenty-five (25) minutes and run on this course along the southwest (SW) line of Thornton street twenty-five and twenty-two one hundredths (25.22) feet to the point of beginning, according to the survey of Montgomery and Parke's first addition to Woodlawn, and to discontinue and abolish such street or highway.

Connors Steel Company.

Affiant further states that said publication was made without cost to the State of Alabama or to Jefferson county, Alabama.

P. A. Lavallet.

Sworn to and subscribed to before me this 19th day of January, 1923.

Susan E. Wright,
Notary Public

(Seal)

Also:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of revenue, held at Bessemer, in said county; said warrant being dated

the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65) and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

With notice and proof attached hereto as follows:

NOTICE TO THE PUBLIC

Notice is hereby given that it is the intention of the city of Bessemer, Jefferson county, Alabama, to apply to the 1923 session of the Legislature of Alabama, for the passage of the following special, private, or local law, in substance, to-wit:

"AN ACT

"To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921 term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacy Edmundson, pro tem president of said board of revenue and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Whereas, on the 22nd day of March, 1921, the board of revenue of Jefferson county, Alabama, did adopt a resolution by which it provided for the building of a paved highway through the city of Bessemer, Jefferson county, Alabama, passing by the court house, and designating the streets and avenues along and over which said highway should be constructed, the actual construction to be done by the said city of Bessemer, and the county to pay for the construction of twenty feet in width of said highway, which has been done, and,

"Whereas, at the time of the selection of the route for the said highway the city of Bessemer was just completing the paving of a part of the route so selected, and the said board of revenue of said Jefferson county did adopt the following as a part and parcel of said resolution, to-wit: "And, whereas, that part of the said route selected for said highway from the A. G. S. Railroad to First avenue on 19th street, on First avenue from 19th to 18th street, and on 18th street from First avenue to the west side of Fifth avenue, has recently been paved by the said city of Bessemer, with Warronite bitulithic on a five-inch concrete base, and it was tentatively agreed by the former board of revenue, that the county would pay for twenty feet in width of such paving along the route selected for such highway and make same a part thereof, and we deem it but right and fair that the county should pay for twenty feet in width of such paving already laid along the route of said highway, and thus carry out said tentative agreement;

"Now, therefore, be it further resolved by the board of revenue of Jefferson county, Alabama, that the county shall pay to the said city of Bessemer, the cost of twenty feet in width of said paving so constructed on 19th street, First avenue, and 18th street, along the line of said highway; such payment to be made when the contract is completed and pavement is accepted by the city;"

And, whereas, pursuant to said resolution the county engineer did make an estimate covering the said paving so to be paid for by said county, amounting to \$19,667.65, which was submitted to the said board of revenue, on said October 20th, 1921, and the aforesaid warrant or voucher was drawn and issued to the said city of Bessemer, in payment for the said paving, same having been paid for by the said city of Bessemer, and,

Whereas, the said warrant or voucher was duly presented to Mr. M. V. Henry, treasurer of said Jefferson county, Alabama, for payment, who declined to pay same, after having submitted the legality thereof to his attorney, who advised him that he could not legally pay the same on account of the fact that there was no contract existing between the county and the city at the time the city let the particular contract for the doing of this part of the work, and,

Whereas, it is recognized that said warrant or voucher represents a debt that is just and equitable, the only question being the technical invalidity of said warrant or voucher, therefore:

Be it enacted by the Legislature of Alabama:

Section 1. That county warrant or voucher number 1583 of Jefferson county, Alabama, issued at the October 17th, 1921 term of the board of revenue of Jefferson county, Alabama, Bessemer division, payable to the city of Bessemer, or order, for the sum of nineteen thousand six hundred and sixty-seven and 65/100 (\$19,667.65) dollars, dated October 17th, 1921, as for paving work done on Jefferson county highway through the city of Bessemer, to October 17th, 1921, as per contract between the city of Bessemer and Jefferson county, and as per statement attached to said voucher or warrant of Claud Rogers, county highway engineer, and signed by Lacey Edmundson, pro tem president, board of revenue, and countersigned by J. W. Pickens, clerk, be, and the same is hereby ratified, confirmed, validated and made legal, effective and binding as the legal warrant or voucher of said Jefferson county, Alabama.

Section 2. Be it further enacted, that the county treasurer of said county, or the acting treasurer or person, firm or corporation acting as treasurer of said county, be, and he, it or them are hereby required and directed to recognize and treat said warrant or voucher, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same to said city of Bessemer or its order, together with interest thereon at the legal rate, out of such funds as may be available for that purpose.

This the 3rd day of November, 1922.

City of Bessemer, Ala.,
By R. P. McTyeire, Mayor.

The State of Alabama, }
Jefferson County. }

Before the undersigned authority, personally appeared A. K. Williamson, who having been by me duly sworn, deposes and says that he is the editor and publisher of The Bessemer Advertiser, a newspaper published in the city of Bessemer, Jefferson county, Alabama; that said newspaper is of general circulation in said county; that the notice, a copy of which is hereto attached and made a part of this affidavit, was published for four consecutive weeks, on the 9th, 16th, 23rd and 30th of November, 1922. Said notice being published by the city of Bessemer, Alabama, and giving notice that it was the intention of said city of Bessemer, to apply to the 1923 ses-

sion of the Legislature of Alabama for the passage of the law set out in said notice, as shown in the copy hereto attached.

A. K. Williamson.

Sworn to and subscribed before me this the 14th day of December, 1922.

B. C. Jones,
Notary Public.

(Seal)

Also:

H. 149. Empowering the clerk of the circuit court of the county of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the judge of the county court.

With notice and proof attached hereto as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama to authorize the clerk of the circuit court of Washington county, Alabama, to take affidavits for the arrest of parties against whom charges for the commission of misdemeanors and felonies in said county are desired to be issued, and to issue warrants for the arrest of such parties, making such warrants returnable before the judge of county court and probate judge.

State of Alabama, }
Washington County. }

I, Joe M. Pelham, Jr., editor of the Washington County News, a newspaper published at Chatom, Washington county, Alabama, do hereby certify that a copy of the notice to authorize circuit clerk of Washington county, Alabama, as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 7th, 1921, and ending with the issue dated Dec. 28, 1921. I further certify that I have the right and authority to make this affidavit.

Joe M. Pelham, Jr.

Sworn to and subscribed before me on this the 19th day of January, 1923.

(Seal)

F. C. Turner,
Judge of Probate, Washington County, Alabama.

Also:

H. 174. To relieve the tax assessor of Morgan county from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

With notice and proof attached hereto as follows:

NOTICE.

Notice is hereby given that the following will be offered for passage at the next session of the Legislature of the State of Alabama.

An Act to relieve the tax assessor of Morgan county, from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare tax collector's abstracts from said assessment lists.

Section 1. That the tax assessor of Morgan county, Alabama, shall not be required to prepare the book of assessments, but in lieu thereof shall be required to arrange in alphabetical order original assessments, and cause the same to be permanently bound, and such assessment lists when bound shall constitute the book of assessments to all intents and purposes. Such assessment lists when bound shall be preserved permanently as a matter of record, and provided that in making the collector's abstracts such abstracts shall be made direct from the assessment lists.

Before me, a notary public, in said county and State, personally appeared W. R. Shelton, who being by me sworn, deposes and says that he is the editor and business manager of the Albany-Decatur Daily, a newspaper published in the city of Albany, Morgan county, Alabama, and that the above notice was duly published in said Albany-Decatur Daily on the following dates to-wit: December 22nd and 29th, 1922, January 6th and 13th, 1923.

Also:

H. 236. To repeal an act entitled "An act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

With notice and proof attached hereto as follows:

NOTICE.

To whom it may concern: This is to certify that application will be made to the next Legislature to have the act incorporating the town of Pickensville repealed.

J. H. Coleman,
W. R. Rodgers,
W. C. Chapman,
J. W. Coleman,
T. E. Stewart,
Harry Clark,
E. P. Ezell,
W. B. Burgain.

State of Alabama }
Pickens County. }

Before me, a notary public of said county, came Ben. I. Rapport who swears that he is the publisher of the Pickens County Herald a newspaper published in Carrollton, Pickens county, Alabama, and the attached publication appeared in the Pickens County Herald three consecutive weeks, first week in the issue of December 28th, 1922, second week in the issue of January 4th, 1923, third week in the issue of January 11th, 1923.

(s) Ben I. Rapport.

Sworn to and subscribed before me this the 26th day of January, 1923.
(x) Jack M. Pratt,
Notary Public.

Also:

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws general, special or local in conflict with the provisions of this act insofar as they relate to Coffee county, Alabama.

With notice and proof attached hereto as follows:

NOTICE OF LOCAL LAW.

Notice of law to abolish the office of deputy solicitor of Coffee county.

Notice is hereby given that at the next regular session of the Legislature of Alabama, to convene in January, 1923, a bill will be introduced for passage and enactment into law providing in substance as follows:

To abolish the office of deputy solicitor for the county of Coffee and to repeal all laws in conflict with such local law.

(Signed) H. M. Sessions,
Representative of Coffee County.

State of Alabama, }
Coffee County. }

Before me, the undersigned authority in and for said county and State, this day personally appeared H. A. DuBose who, being first duly sworn to speak the truth deposes and says: That he is editor of The People's Tribune, a newspaper published in Coffee county, Alabama, at Elba, Alabama, and that the notice hereto attached, the same being a "Notice of Local Law," was published in the Peoples' Tribune, giving notice of Law to Abolish Office of Deputy Solicitor of Coffee county, for four weekly issues in successive order and beginning on January 11th, 1923, and ending on February 1st, 1923, inclusive.

H. A. DuBose,
Editor.

Subscribed and sworn to before me this the 1st day of February, 1923.
J. V. Wright,
Notary Public.

Also:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Also:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Also:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of

the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 13, H. 149, H. 174, H. 236, H. 258, to the committee on Local Legislation.

H. 25, H. 26, H. 28, H. 150, to the committee on Revision of Laws.

H. 176. To the Committee on Judiciary.

H. 269. To the committee on Education.

RESOLUTION.

Mr. Waddell offered the following Senate resolution:

S. R. 82. Whereas, our very efficient secretary, Hon. J. E. Speight has discharged the duties of his office in a very efficient manner, his uniform courtesy to the several members of the Senate has been marked.

Therefore, be it resolved by the Senate of Alabama that the thanks of the Senate are hereby extended to Mr. Speight most graciously.

Which was, under a suspension of the rules, unanimously adopted by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill,

H. 235. To appropriate the sum of fifty thousand dollars for the payment of amounts due by the State to the sheriffs of the counties in the State for feeding prisoners in the county jails during the fiscal year ending September 30, 1922, and which are unpaid.

Your signature thereto is requested.

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after the title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journals of the Senate for the 8, 9, 10, 11, 12, 13, 14, 15 and 16th legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

R. H. Jones,
Chairman.

COMMITTEE REPORT.

The foregoing report from the committee on Revision of the Journal was read and on motion of Mr. Jones, of Conecuh, said report was concurred in and the Journals of the Senate for the 8, 9, 10, 11, 12, 13, 14, 15, 16th legislative days were approved by the Senate.

REPORT OF SECRETARY.

To the Senate:

Pursuant to Joint Rule No. 5, I submit the following report of bills and resolutions delivered to the Governor, with the title of each and the time of delivery, to-wit:

S. J. R. 6. Relative to extending to Paderewski, former head of the Polish government, an invitation to address the Legislature of Alabama in joint session on the day of his ar-

rival in the city of Montgomery, at twelve o'clock, noon.

Delivered to the Governor January 19, 1923, at 12:30 P. M.

S. J. R. 21. Relative to the Legislature of Alabama extending an invitation to Admiral Benson, Senator Chamberlain and the Hon. Frederick I. Thompson, of the U. S. Shipping Board, to address in joint session the Legislature of Alabama at their earliest convenience on the benefits of a merchant marine, of a ship subsidy, to keep the American flag afloat on the seas of the world, and that this resolution be sent by the Governor to the above named gentlemen.

Delivered to the Governor January 19, 1923, at 12:30 P. M.

S. J. R. 26. Relative to the appointment of Judge William I. Grubb to the membership of the Supreme Court of the United States.

Delivered to the Governor January 23, 1923, at 11:30 A. M.

S. J. R. 35. Relative to the abolition of the office of tax adjuster of the several counties in Alabama.

Delivered to the Governor January 23, 1923, at 11:30 A. M.

S. J. R. 33. Relative to the commemoration on this the 19th day of January, 1923, the birthday of General Robert Edward Lee.

Delivered to the Governor January 23, 1923, at 11:30 A. M.

S. 9. To amend section 6032 of the Code of Alabama.

Delivered to the Governor January 31, 1923, at 4:30 P. M.

S. 10. To validate, ratify and confirm all change in location or vacations or attempted vacations of any street, avenue, alley or any part thereof, theretofore dedicated by the owner of the lands upon which such street, avenue or alley was located, by the person, firm or corporation by whom such dedication was made or his, their or its successors in title in all cases where such vacation or attempted vacation of such street, avenue or alley or any part thereof was authorized, when and as made, by the Municipal authorities of the City within which such street, avenue or alley was or is now located or which has been or may hereafter be approved, ratified or confirmed by such Municipal authorities and to relinquish and abandon all the rights of the public in such street, avenue or alley or parts thereof so vacated or attempted to be vacated.

Delivered to the Governor February 2, 1923, at 12:50 P. M.

S. 26. To appropriate the sum of thirty-nine thousand and no-100 (\$39,000.00) dollars to the Alabama Home for Mental Inferiors, for improvements and equipment necessary to the use of said home for the reception and maintenance of mental inferiors and to pay interest owed by said Alabama Home to the First National Bank of Birmingham, Ala.

Delivered to the Governor February 2, 1923, at 12:50 P. M.

S. 27. To provide for the maintenance of the Alabama Home for Mental Inferiors.

Delivered to the Governor February 2, 1923, at 12:50 P. M.

S. 35. To amend an act entitled "An act to amend sections 1408 and 1409 of the Code of Alabama, approved November 1st, 1921.

Delivered to the Governor February 2, 1923, at 12:50 P. M.

S. 49. To amend section 5439 of the Code of Alabama of 1907.

Delivered to the Governor February 6, 1923, at 4:20 P. M.

S. 38. To create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing, in said county and abolishing said Board of Revenue of Madison County; to divide said County of Madison into Five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners; fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers, and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said Board of County Commissioners of a Clerk; and a Supervisor of Public Roads; providing of the holding of monthly meetings of said Board of Commissioners and providing for the repeals of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners.

Delivered to the Governor February 2, 1923, at 12:50 P. M.

S. 17. To validate certain bonds heretofore issued by municipal corporations in Alabama.

Whereas, section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds" contains the following limitation, to-wit, "but no bond bearing six per cent interest shall run for a longer period than ten years."

Delivered to the Governor February 6, 1923, at 10:50 A. M.

S. 42. To alter and rearrange the boundary lines of the city of Talladega, Alabama, and to describe the area included therein for all purposes other than for school purposes and also to alter and rearrange the boundary lines and to describe the area

included in the city limits for school purposes and as a school district composed of the city of Talladega, Alabama.

Delivered to the Governor February 6, 1923, at 10:50 A. M.

S. 2. To repeal section 2069 of the Code of Alabama of 1907.

Delivered to the Governor February 6, 1923, at 4:20 P. M.

S. 97. To fix and regulate the compensation of the registers of the circuit court in counties in the State having more than two hundred thousand population, according to the last or any succeeding Federal census, and to provide for the payment of such compensation.

Delivered to the Governor February 6, 1923, at 4:20 P. M.

S. 96. To fix the compensation or salary of probate judges of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census and to provide for paying same.

Delivered to the Governor February 6, 1923, at 4:20 P. M.

S. 95. To fix the compensation of circuit clerks of all counties of the State of Alabama having a population of more than 200,000 according to the last or any subsequent Federal census.

Delivered to the Governor February 6, 1923, at 4:20 P. M.

S. 22. To provide for the withdrawal of any deposit of mutual aid or Industrial Association or corporation with the State when such corporation or association ceases to do business in the State and re-insures its policy holders in this State.

Delivered to the Governor February 6, 1923, at 4:20 P. M.

S. J. R. 67. Relative to the families of the deceased sailors of the Confederate Navy, assisting Admiral A. O. Wright, in rescuing valuable papers that will enable the records of said sailors being established.

Delivered to the Governor February 8, 1923, at 10:45 A. M.

S. 85. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

Delivered to the Governor February 8, 1923, at 10:45 A. M.

S. 84. To amend section 1 of an act approved February 11th, 1919, entitled "An act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same."

Delivered to the Governor February 8, 1923, at 10:45 A. M.

S. J. R. 71. Relative to the State Prison Inspector reporting to the recess Budget committee the condition of the several almshouses of the several counties of the State, and recommending such legislation as they may deem proper.

Delivered to the Governor February 8, 1923, at 5:10 P. M.

S. J. R. 70. Relative to the additional members of the Re-cess Agricultural, Educational and Code Committees.

Delivered to the Governor February 8, 1923, at 5:10 P. M.

S. 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any places not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses, and to repeal all conflicting laws.

Delivered to the Governor February 8, 1923, at 5:10 P. M.

S. J. R. 53. Relative to the recognition by the Senate and House of Representatives of the efforts of Mr. E. F. Allison of Bellamy, Sumter county, Alabama, in the preservation of the wild game of the State, placing it under obligation to him, expressing their appreciation of his service, making this a part of the records of the Senate and House and furnishing him a copy of this resolution.

Delivered to the Governor February 9, 1923, at 11:15 A. M.

S. 112. To amend sections 15, 16, and 47 of an Act entitled "An Act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this Act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Delivered to the Governor February 9, 1923, at 11:15 A. M.

S. 40. To further regulate the office of the Attorney General of the State of Alabama.

Delivered to the Governor February 9, 1923, at 4:30 P. M.

S. 103. To repeal an Act approved September 30, 1920, entitled "An Act to reduce the number of members of the State Board of Control and Economy, which was created by an act entitled "An Act to create a State Board of Control and Economy, to provide members thereof, their tenure of office, salaries, duties and mode of appointment, and to prescribe rules and regulations governing said Board," approved February 13, 1919; to fix their tenure of office, to prescribe their duties, to provide for their appointment and compensation, and to provide for the decision of questions when the two members of the Board of Control fail to agree."

Delivered to the Governor February 10, 1923, at 10:40 A. M.

S. 102. To repeal an Act approved September 30, 1919, entitled "An Act to confer additional powers, authority and jurisdiction on and to further prescribe the duties of the Board of Control and Economy created by the act of the Legislature approved February 13, 1919; to abolish the Board of Convict Inspectors and the offices of the members and employees thereof and to confer upon the State Board of Control and Economy all the power, authority and jurisdiction heretofore exercised by or under the authority of the State Board of Convict Inspectors, and additional powers and authority, including authority and power to provide for the segregation, care, custody and treatment of tubercular persons; and to impose upon the Board of Control and Economy all the duties heretofore required of the State Board of Convict Inspectors and additional duties; to confer upon the Board of Control and Economy general supervision and authority over the office of the State Prison Inspector, who shall henceforth discharge the duties of his office in connection with and as part of the work of the State Board of Control and Economy; to confer upon the Board of Control and Economy certain duties and authority with reference to the purchasing and supplies of the public printing and binding, stationery, fuel and paper, and other powers and authority incident to the more efficient control and co-ordination of the business operations of the State; also providing for the necessary appropriation to pay all salaries, wages and other expenses and outlays authorized to be paid or incurred in this and the said original act of February 13, 1919."

Delivered to the Governor February 9, 1923, at 4:30 P. M.

S. 34. To amend section 3627 of the Code of Alabama of 1907.

Delivered to the Governor February 10, 1923, at 12:30 P. M.

S. 128. To amend section 6110 of the Code of Alabama.

Delivered to the Governor February 10, 1923, at 10:40 A. M.

S. 83. To amend an Act approved September 30th, 1920, entitled "An Act to amend subdivision 2 of section 4 of an act approved September 29th, 1919, entitled 'An Act to create the Department of Examiners of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a chief examiner and assistant examiners, to regulate the duties and compensation of such officials, and to provide clerical help for said department.'"

Delivered to the Governor February 10, 1923, at 11:10 A. M.

S. 72. To amend Section 13 of an Act entitled an Act "to provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties

and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties." Approved September 22, 1915.

Delivered to the Governor February 10, 1923, at 12:30 P. M.

S. 112. To amend sections 15, 16, and 47 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulations and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act." Approved October 1, 1920, known as the Alabama Public Utility Act of 1920.

Re-delivered to the Governor February 10, 1923 at 12:30 P. M.

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

Delivered to the Governor Feb. 10, 1923, at 12:30 P. M.

S. 47. To authorize County Boards of Education to apply the proceeds of the three mills district school tax; or so much thereof as may be necessary, to the re-imbursement of persons in any school district, who, in anticipation of an election for the three mills district school tax, and in the belief that the proceeds of the tax, if the same is authorized by the election, would be used in whole or in part for the erection of a public school building, or public school buildings, in such district, have contributed their own money to the building of such school building or buildings, or borrowed money and applied the same to the erection of such school building or buildings.

Delivered to the Governor Feb. 10, 1923, at 12:30 P. M.

Respectfully,

J. E. Speight,
Secretary.

SECRETARY'S REPORT.

The foregoing Report of the Secretary of the Senate as to bills and resolutions delivered to the Governor, was read at length and ordered spread upon the Journal.

ADJOURNMENT.

At 12 M. pursuant to a Joint Resolution heretofore adopted, the Senate adjourned until July 10, 1923, at 12 M.

SEVENTEENTH DAY.

Tuesday, July 10, 1923.

The Senate met at 12 o'clock noon, pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

The session was opened with prayer by Rev. Dr. McCann of Montgomery.

ROLL CALL.

On a call of the roll the following members answered to their names:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeil	Waddell
Duncan	Hudgens	Oliver	

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Being a quorum of the Senate.

OATH OF OFFICE.

Hon. A. L. Harlan, elected to the Senate to fill the vacancy caused by the resignation of Hon. Roy L. Nolen, from the Tenth Senatorial District, composed of the counties of Elmore and Tallapoosa, was escorted to the desk by a committee composed of Messrs. Overton and Jones of Barbour, and took and subscribed to the oath of office as follows:

The State of Alabama, }
Montgomery County. {

I, A. L. Harlan, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me God.

I do further swear that I have not directly nor indirectly given, accepted, nor knowingly carried a challenge in writing or otherwise, to any person being a citizen of this State to fight with deadly weapons whether in or out of this State; nor aided, nor abetted in the same since I have been a citizen thereof; and that I will not directly, nor indirectly give, accept nor knowingly carry a challenge to any person being a citizen of this State to fight with deadly weapons, either in or out of this State, nor in any manner aid or abet the same during my continuance in office. So help me God.

A. L. Harlan.

Sworn to and subscribed before me this 10 day of July, 1923.

Charles McDowell,

Lieutenant Governor, and President Senate.

JOURNAL.

On motion of Mr. Ellis reading of the Journal of yesterday was dispensed with and same approved by the Senate.

RESOLUTIONS.

Mr. Waddell offered the following Senate resolution:

S. R. 83. Resolved, That the Secretary be instructed to inform the House of Representatives that the Senate is ready for the transaction of business.

Which was, under a suspension of the rules, adopted.

Mr. Duncan offered the following Senate resolution:

S. R. 84. Be it resolved by the Senate of Alabama, That the presiding officer of the Senate is authorized to appoint in lieu of all pages, messengers, doorkeepers and committee clerks, the following persons:

One doorkeeper, who shall serve in the Senate Chamber.

One assistant doorkeeper, who shall serve in the gallery of the Senate.

One person to act as page and messenger in the Senate.

Two expert and experienced stenographers whose services shall be given to the various committees of the Senate and to the members of the Senate when transacting official business.

Which was read and referred to the Standing Committee on Rules.

Mr. Powell offered the following joint resolution:

S. J. R. 85. Whereas, in the year 1921, the United States Government announced its intention to construct a government hospital for the care and treatment of disabled negro ex-service men, and showed a desire and intention to locate said hospital in the town of Tuskegee, Macon County, Alabama, because of certain local conditions existing there, which were thought to be most favorable to the proper functioning of such a hospital; and,

Whereas in line with that desire and intention, and for the purpose of overcoming a natural opposition on the part of the white people of Tuskegee to such a hospital, which was undesirable for many good and sufficient reasons, all of which are apparent and well known to the people of Alabama, the Government sent to Tuskegee a representative who actively and diligently worked to overcome such opposition, and finally persuaded the people to permit said hospital to be constructed in their midst; and,

Whereas in accomplishing said purpose for which he was sent to said town, the said Government agent, under written authority that was not questioned by the people, represented and guaranteed that said hospital would be absolutely controlled, managed and operated by white men, trained and experienced in the control of shell-shocked and mentally weak ex-service men, and fully capable of handling them in such way as to prevent them from being a menace to the people of the community; further representing that said hospital would be controlled by men who were either of Southern birth and training, or who knew thoroughly and understood the problems confronting the Southern man in his dealings with the negro race, and who would be men that would preserve and maintain the control and supremacy of the white man as had been so firmly maintained in said town during the years gone by; and,

Whereas in trust and confidence, the people of said town, both white and black, accepted said guarantee; welcomed said hospital; donated lands, rights of way, etc., without cost to the Government, and co-operated in every way possible to the successful construction and opening of said hospital; and,

Whereas said hospital was constructed, completed and opened, and a white staff and personnel put in charge, in accordance with the original plans of the Government, it being distinctly understood that negro nurses only would be used in said hospital to care for said negro men. Before said hospital began to function, an element of negroes, with certain white allies, caused a halt in the proceedings, and insisted that the Government should turn said hospital over to negro officers, and put same under negro rule; and,

Whereas it has been announced officially that such might, or will be done, and that the pledge of the Government to the people of Tuskegee will be broken, and the faith of the people of Tuskegee in the Government destroyed, and their local conditions upset and disturbed,

Now therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that we, the Representatives of the people of Alabama, in Legislature assembled, do most solemnly protest against the now proposed plan of the Government as to placing a negro personnel in charge of the Govern-

ment hospital at Tuskegee. We know that such will be disastrous in its effects, and that the result of such action will be to destroy the confidence of a trusting people in the good faith and honesty of purpose of the Government officials; that it will arouse the suspicion of the white citizenship of the town as to the real desires and efforts of the negro officials at the Tuskegee Normal & Industrial Institute, and create a belief on the part of said citizenship that the negro officials at said Institute have not co-operated with the white people of the town to prevent such action on the part of the Government, but have either passively permitted same to be done, or actively assisted in having same done, in order that their race might receive certain temporary benefits therefrom.

Be it further resolved, That the action of the Government in putting a negro personnel in charge of the hospital at Tuskegee, welcomed by the people in good faith, and constructed on land donated under a pledge of the Government, as above set forth, would be an unwarranted attack by the Government on the peace, quietude and welfare of said town of Tuskegee, and an unjust and unauthorized destruction by the Government of the spirit of harmony between two races that have lived together, side by side, in mutual friendship and co-operation, and desire to continue so to live. That negro control of the hospital, under circumstances as set forth above, would be a curse to the ex-service men to whom the Government owes a debt of gratitude; a curse to the negro race in its injurious effects upon the Tuskegee Institute, which is of much more permanent benefit to that race than the hospital can possibly be, and a curse to the innocent white people of the town of Tuskegee, who, in accepting the Government's pledge, have brought upon themselves a condition that will jeopardize the lives of many, make the homes of the citizens less safe and secure, make their town less desirable as a place of residence, and to a large extent destroy the real happiness that they have experienced in the past in their home life and associations in the town of Tuskegee.

Be it further resolved, That a copy of this resolution be sent by the Secretary of the Senate to the President of the United States, and to General Frank T. Hines, Director of U. S. Veterans Bureau.

Which was, under a suspension of the rules, adopted and ordered sent forthwith to the House.

ELECTION OF DOOR-KEEPER OF THE GALLERY.

Mr. C. C. Waters, heretofore elected as Doorkeeper of the Senate Gallery, having filed his resignation, the President of the Senate announced that nominations to fill such vacancy were in order.

Thereupon Mr. Brower placed in nomination as Doorkeeper of the Senate gallery, Miss Minnie Osborne, of Montgomery.

Those who voted for Miss Osborne were:

Messrs:

Adams	Garth	Johnson	Pelham
Brooks	Harlan	Jones (Barbour)	Powell
Brower	Hildreth	Jones (Concuh)	Randall
Caffey	Horton	Martin	Slone
Carmichael	Howle	McNeil	Teasley
Craft	Hudgens	Oliver	Tunstall
Ellis	Hutson	Overton	Waddell
Foster	Inzer		

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Miss Osborne, having received the entire vote cast, being a majority of the Senate, was declared duly and constitutionally elected as Doorkeeper of the Senate gallery for the term prescribed by law.

COMMITTEE TO WAIT ON GOVERNOR.

The President of the Senate appointed as a committee to wait on the Governor and notify him that the Senate is now in session and ready for the transaction of public business, Messrs. Waddell and Harlan.

RESOLUTION.

Mr. Duncan offered the following Senate joint resolution:

S. J. R. 86. Be it resolved by the Senate, the House concurring, That a joint committee of the House and Senate, consisting of two members of the Senate to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall make a careful investigation of all clerical work of the two houses, with the view of suggesting a more efficient, expeditious and economical method of handling this work.

Resolved, further, That this resolution be put upon its immediate passage.

Resolved, further, That such joint committee report at the earliest possible date.

And moved that the rules be suspended and said resolution put upon its immediate passage and adopted.

Mr. Waddell objects to the immediate consideration of said resolution.

Thereupon the President of the Senate referred said resolution to the Committee on Rules.

MESSAGE FROM THE GOVERNOR.

To the Members of Senate:

I am directed by the Governor to hand you herewith his message with regard to the financial affairs of the State.

Respectfully,
A. L. Tyson,

Private Secretary to the Governor.

July 10, 1923.

MESSAGE FROM THE GOVERNOR.

To the Members of the Senate of Alabama:

I can not intelligently deal with the various departments of State in a message until I know the approximate revenue of the State.

For the purpose of securing the most intelligent and economical administration of the financial affairs of the State, the law requires the Budget Commission to submit to the Legislature a well defined financial plan for the State. This report by law and of necessity is required to embrace an estimate of the amount of revenues that will be available for the ensuing quadrennium. The purpose of a budget is to prevent the expenditures of the State from exceeding its income. It is evident that neither the letter nor the spirit of this law can be complied with until the fate of existing revenue producing laws and the proposed revenue measures are definitely settled.

The Budget Commission has determined not to recommend any appropriations, regardless of the worthiness of the cause for which it is sought, unless it is evident that there will be sufficient income to meet the expenditure. It is therefore urged in the interest of intelligent action on appropriations, that the Legislature as quickly as possible definitely and finally pass on all matters which affect the revenue of the State.

For these reasons the report of the Budget Committee is deferred until a revenue system is defined by your body.

Respectfully submitted,
Wm. W. Brandon,
Governor.

July 10, 1923.

GOVERNOR'S MESSAGE.

The foregoing message from His Excellency, the Governor, was read at length and ordered spread upon the Journal.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hutson:

S. 164. To provide for the institution and prosecution of misdemeanors in the county court of Morgan County otherwise than by indictment by the grand jury, or by affidavit made before the judge of said court.

Local Legislation.

~~With notice and proof thereto attached and herewith exhibited as follows:~~

NOTICE.

Section 1. Be it enacted by the Legislature of Alabama, That from and at the session beginning July 10th, 1923, for the passage of the following local bill:

AN ACT

To provide for the institution and prosecution of misdemeanors in the County Court for Morgan County otherwise than by indictment by the grand jury and by affidavit made before the judge of said court.

Notice is hereby given that I will apply to the Legislature of Alabama after the passage of this Act prosecutions of persons charged with misde-

meanors in Morgan County may be begun by affidavit made before the Clerk of the Circuit Court of Morgan County, and that thereupon jurisdiction of the County Court of Morgan County shall attach, and the same shall proceed to trial and judgment under the same rules and procedure as provided by law in misdemeanor causes in the County Court of Morgan County.

Section 2. Nothing in this Act shall be construed as to in any manner interfere with or affect the prosecution for misdemeanors upon indictment found by the grand jury of Morgan County, or by affidavit made before the judge of the County Court for Morgan County.

Section 3. This Act shall take effect upon its approval by the Governor.

T. C. Almon,

Solicitor for the County Court for Morgan County.

State of Alabama,
Morgan County.

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Before me, Leda L. Brown, a Notary Public in and for said State and County, personally appeared W. R. Shelton, who being duly sworn, on oath, says that he is the editor and manager of the Albany-Decatur Daily, a newspaper published in Albany, Morgan County, Alabama, and that the notice hereto attached was published for four successive weeks in the Albany-Decatur Daily, beginning June 7th, 1923.

W. R. Shelton.

Sworn to and subscribed before me this 9th day of June, 1923.

Leda L. Brown,
Notary Public.

By Mr. Oliver:

S. 165. To provide for the protection of orphanages in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Judiciary.

By Mr. Foster:

S. 166. To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city described, as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin,

on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south, that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Chocaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclu-

sive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 3rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street on the south.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Tuscaloosa County. }

Before me, Lucy Barnes, a Notary Public in and for said County and State, on this day personally appeared Aaron Miller, who is known to me, and who after being by me first duly sworn deposes and says, under oath, that he is the editor, and one of the owners of the Tuscaloosa News Publishing Company, publishing the West Alabama Breeze, a weekly newspaper published in the city and county of Tuscaloosa, State of Alabama, and that the following notice, to-wit:

LEGAL NOTICE

Notice is hereby given that there will be introduced and offered for passage at the present session of the Legislature of Alabama, which will reconvene on July 10th, 1923, a bill applicable to the city of Tuscaloosa, substantially as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city described as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of Fourth street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of Fourth, or Pine street, on the south, and the property known as the River Margin, on the north; that part of Third street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of Fifth street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of Seventh street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north; and a line projected westward as a continuation of the southern boundary line of Lot

Number 412, according to the original survey of Newton, on the south; that part of Fourth street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of Fourth street, or Spring street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of Sixth street, or Tippecanoe street in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newton; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newton, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newton; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newton, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newton; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newton, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newton; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street, on the south.

~~Be it enacted by the Legislature of Alabama:~~

Section 1. That the Board of City Commissioners of the city of Tuscaloosa, be, and hereby are, authorized and empowered to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city, described as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of Fourth street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of Fourth, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of Fourth, or Pine street, on the south, and the property known as the River Margin, on the north; that part of Third street, or Spring street, in said city, which lies between the east margin of 28th ave-

nue, or Jackson street, on the west and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin, on the north, and the northern boundary line of Fifth street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of Seventh street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south; that part of Fourth street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of Fifth street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanoe street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley, in said city, which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street, on the south; provided, however, that said Board of City Commissioners shall pay all damages that may be sustained by any person on account of the vacation of said portions of said avenues, streets and alleys, or either, or any of them.

Section 2. That the said Board of City Commissioners shall publish an ordinance providing for the vacation of said portions of said avenues, streets

and alleys, under authority of this Act, once a week, for three successive weeks, in a newspaper published in the city of Tuscaloosa, Alabama, and in the publication shall also give notice to all persons claiming damages by reason of the vacation of said portions of said avenues, streets and alleys, to file their claims with the City Clerk, within thirty days from the date of the first publication. If any claims for damages are presented, and the Board of City Commissioners and the claimants do not agree on the amount of damages the Board of City Commissioners may proceed, either by a bill in equity, in the Circuit Court of Tuscaloosa County, Alabama, or under the general eminent domain laws of the State of Alabama, to have the said claims determined.

Section 3. After publication, as provided in section two, of this Act, and payment of damages ascertained to be due any person, or persons, within the time specified in the said ordinance, on account of the vacation of said avenues, streets and alleys, the Board of City Commissioners may adopt an ordinance vacating and closing said portions of said avenues, streets and alleys hereinabove described, and any and all rights of the public in and to the use of said portions of said avenues, streets and alleys, as streets, alleys, avenues or highways, shall cease, and terminate, after the adoption of the said ordinance. June 7-14-21-28.

Was published once a week for four consecutive weeks in the said newspaper, in accordance with the constitutional requirements in regard to notices regulating the passage of local laws in the State of Alabama.

Aaron Miller.

Subscribed and sworn to before me on this the 9th day of July, 1923.

Lucy Barnes,

(Seal)

Notary Public in and for Tuscaloosa County, Alabama.

By Mr. Foster:

S. 167. To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close that portion of 22nd avenue in said city which lies between 12th street on the north and 13th street on the south.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

State of Alabama, }
Tuscaloosa County. }

Before me, Annie Belle Whitson, a Notary Public in and for said County and State, personally appeared Aaron Miller, who being duly sworn, deposes and says under oath that he is the editor and one of the owners of the Tuscaloosa News Publishing Company, publishing the Tuscaloosa News and Times-Gazette, a newspaper published in the city and county of Tuscaloosa, State of Alabama, and that the following notice, to-wit:

LEGAL NOTICE

Notice is hereby given that there will be introduced and offered for passage at the present session of the Legislature of Alabama, which convened January 8, 1923, a bill applicable to the city of Tuscaloosa, substantially as follows:

A BILL

To be entitled An Act To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close that portion of 22nd avenue in

said city which lies between 12th street on the north and 13th street on the south.

Be it enacted by the Legislature of Alabama:

Section 1. That, in order to consolidate the two city blocks bought by the City Board of Education of the city of Tuscaloosa, for school buildings and playgrounds, the Board of City Commissioners of the city of Tuscaloosa be and hereby are authorized and empowered to vacate and close to public travel or use that portion of 22nd avenue in said city, which lies between 12th street on the north and 13th street on the south. Provided, however, that said Board of City Commissioners shall pay all damages that may be sustained by any person on account of the vacation of said portion of said avenue.

Section 2. That the said Board of City Commissioners shall publish an ordinance providing for the vacation of said portions of said avenue, under authority of this Act, once a week for three consecutive weeks in a newspaper published in the city of Tuscaloosa, and in the publication also give notice to all persons claiming damages by reason of the vacation of said street to file their claims with the City Clerk within thirty days from the date of the first publication. If any claims for damages are presented and the Board of City Commissioners and the claimants do not agree on the amount of damages, the Board of City Commissioners may proceed either by bill in equity in the Circuit Court of Tuscaloosa County, or under the general eminent domain laws of the State to have the claims determined.

Section 3. After publication as provided in section 2 of this Act, and payment of damages ascertained to be due any persons, the Board of City Commissioners may adopt this ordinance vacating and closing said portion of 22nd avenue, and all rights of the public in and to the use thereof as a street or highway shall cease, after the adoption of the ordinances.

Was published once a week for four consecutive weeks in the said newspaper in accordance with the constitutional requirements in regard to notices regulating the passage of local laws in the State of Alabama.

Aaron Miller.

Sworn to and subscribed before me this the 10th day of February, 1923.

Annie Belle Whitson,

Notary Public.

By Mr. Foster (by request):

S. 168. To enlarge and extend the boundaries of the corporate limits of the city of Tuscaloosa, Alabama.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

The State of Alabama, }
County of Tuscaloosa. }

Before me, C. H. Penick, a Notary Public in and for said County and State, on this day personally appeared Aaron Miller, who is known to me, and who after being by me first duly sworn deposes and says, under oath, that he is the editor, and one of the owners of the Tuscaloosa News Publishing Company, publishing the West Alabama Breeze, a weekly newspaper published in the city and county of Tuscaloosa, State of Alabama, and that the following notice, to-wit:

LEGAL NOTICE

Notice is hereby given that there will be introduced and offered for passage at the present session of the Legislature of Alabama, which reconvenes on July 10, 1923, a bill applicable to the city and the part of the county of Tuscaloosa, Alabama, substantially as follows:

A Bill to be known as an Act to enlarge and extend the boundaries of the corporate limits of the city of Tuscaloosa, Alabama.

Section One. Be it enacted by the Legislature of Alabama, That all that tract of land included within the following boundaries, viz.:

Beginning at a point on the west bank of the Warrior river where the center line north and south through section twenty-one, township 21, south, range 10 west, intersects the low water mark of said river and running thence south along said center line through said section 21 and along the center line through section twenty-eight, to the south line of said section 28, thence east along the south line of section 28 and the south line of section 27 and section 26, to the southeast corner of the southwest quarter of the southwest quarter of said section 26, thence north parallel with the west line of said section 26, to the north margin of the Hargrove road, thence eastwardly along the said north line of the said Hargrove road to the intersection of the same with the center line north and south through section 25, thence north along the center line through sections 25, 24 and 13 to the south line of the right of way of the main line of the Louisville and Nashville railroad, thence eastwardly along the said south line of the right of way of the main line of the Louisville and Nashville railroad to the intersection of the same with the west line of the public road leading from Alberta City to Holt, thence northwardly along the said west line of said public road to the intersection of the same with the center line east and west through the center of section 8, township 21, south, range 9 west, thence west along said center line through the center of sections 8 and 7, to low water line on the west bank of the Warrior river, thence southwardly along said low water line on the west bank of the Warrior river to the point of beginning; shall be and shall constitute the city of Tuscaloosa, and shall be designated and known by the name of the City of Tuscaloosa.

Section Two. Be it further enacted, That all laws, general and special, in conflict with the provisions of this Act are hereby repealed; provided, however, that nothing herein contained shall affect the rights, privileges and immunities heretofore granted by the laws of this State to the University of Alabama and to the Alabama Insane Hospital.

Was published once a week for four consecutive weeks in the said newspaper, in accordance with the constitutional requirements in regard to notices regulating the passage of local laws in the State of Alabama.

Aaron Miller.

Sworn to and subscribed before me on this the 9th day of July, 1923.

C. H. Penick,

Notary Public, Tuscaloosa County, Ala.

By Mr. Foster:

S. 169. To amend section 574 of the Code of Alabama of 1907; to change the office of Chief Clerk to that of Deputy Secretary of State; to prescribe the duties of the Deputy Secretary of State; to fix the compensation of the said Deputy Secretary of State; to create the position of clerk in the office of the Secretary of State; to prescribe the duties and fix the salary thereof; and to fix the salary of the stenographer in the office of the Secretary of State.

Finance and Taxation.

By Mr. Foster:

S. 170. To authorize the Governor to use the net earnings of the convict system for the care and education of destitute, delinquent or neglected children, or in child welfare work in Alabama.

Finance and Taxation.

By Mr. Foster:

S. 171. For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

Public Health.

By Mr. Foster:

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law," and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Judiciary.

By Mr. Brower:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

Revision of Laws.

By Mr. Brower:

S. 174. To provide for and regulate the drawing, summoning, handling and assignment of jurors for the trial of all criminal cases and quasi criminal cases, the empanelling of grand and petit juries; to provide for, establish, prescribe and regulate the procedure, rules, rights and practices in the trial of cases in the courts herein named; and to provide for, prescribe and regulate the rules, rights, procedure and methods of striking juries in such courts, and the number and assignment of jurors for striking in the selection of jurors for the trial of all criminal, quasi-criminal and cases appealed from inferior courts, to be hereafter tried in the criminal divisions of all circuit courts of this State, holding at the county site, in all circuits which now are or which may hereafter be composed of only one county, and in which there are now or may hereafter be provided more than three judges; and to further provide for suitable and convenient assembly and waiting room for jurors of said courts when not engaged in service.

Judiciary.

By Mr. Brower:

S. 175. To authorize cities within the State of Alabama having a population of one hundred thousand or more according to the last or any subsequent Federal census, to compel the construction and maintenance of subways, viaducts and bridges and their approaches, under or over and across railroad or street railroad tracks within the city limits, to apportion the cost thereof and to provide for the vacation of streets and highways, or parts of either in connection therewith; to provide remedies for the enforcement of and appeals from ordinances passed under authority of this Act.

By Mr. Brower:

S. 176. To alter or rearrange the boundary lines of the city of Birmingham, Alabama.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

To Whom It May Concern:

Notice is hereby given that a bill will be introduced for passage at the next session of the Legislature of Alabama, which will be the adjourned session of said Legislature of 1923, the substance of which is as follows:

A BILL

To be entitled An Act To alter or rearrange the boundary lines of the city of Birmingham, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Birmingham, in the county of Jefferson, State of Alabama, be and the same are hereby altered and rearranged so as to include within the corporate limits of said city all of the territory lying within the county of Jefferson included within the boundaries herein set out, to-wit:

Begin at the southwest corner of section 6, township 18, south, range 2 west; thence in a northerly direction along the western boundary of said section to intersection with the northern boundary of right of way of Birmingham Mineral Railroad, thence in a northeasterly direction along a straight line through the southwest quarter of southwest quarter of said section to a point in its northern boundary where the eastern boundary of an alley in block 854 of the Birmingham Realty Company's survey intersects the northern boundary of said quarter-quarter section; thence in an easterly direction along said northern boundary to the northeast corner of said quarter-quarter section; thence in a southerly direction along the eastern boundary of said quarter-quarter section to intersection with the northern boundary of the right of way of the Birmingham Mineral Railroad; thence in a northeasterly direction along said northern boundary of said right of way to intersection with the eastern boundary of the west half of northeast quarter of section 27, township 17 south, range 2 west; thence in a northeasterly direction along a straight line to the center of section 12, township 17 south, range 2 west; thence in a northwesterly direction along a straight line to the southeast corner of the northeast quarter of southeast quarter of section 3, township 17 south, range 2, west; thence in a southwesterly direction along a straight line to point of intersection of the north and south center line of section 17, township 17 south, range 2, west, with the northern boundary of the right of way of the Birmingham Mineral Railroad; thence in a westerly direction along said northern boundary of said right of way to the western boundary of the east half of the west half of section 18, township 17 south, range 2 west; thence in a northerly direction along said western boundary to the southeast corner of the northwest quarter of northwest quarter of said section 18, thence in a westerly direction along a straight line to the southeast corner of the northeast quarter of northwest quarter of section 15, township 17 south, range 3 west; thence in a southerly direction along the north and south center line of said section 15 to the southwest corner of the southwest quarter of southeast quarter of said section 15, thence in a westerly direction along the southern boundary of said section 15 to the southwest corner of the southeast quarter of southwest quarter of said section 15; thence in a southerly direction along the eastern boundary of the northwest quarter of northwest quarter of section 22, township 17 south, range 3, west, to the southeast corner thereof, thence in a westerly direction along the southern boundary of said quarter-quarter section to the southwest corner thereof; thence in a southerly direction along the western boundary of the southwest quarter of northwest quarter of said section 22 to the northeast corner of the south half of section 21, township 17 south, range 3 west; thence in a westerly direction along a straight line to the west line of section 19, township 17 south, range 3 west; thence south along the west lines of section 19 and section 30, township 17 south, range 3 west, to the southwest corner of said section 30; thence west along the south line of section 25, township 17 south, range 4, west, to an intersection with the southeast line of First avenue and Slayden avenue; thence southwest along said southeast line to an intersection with the north line of the southwest quarter of southwest quarter of section 36, township 17 south, range 4 west; thence in a westerly direction along a straight line to the southwest corner of the northeast quarter of southwest quarter of section 35, township 17 south, range 4 west; thence in a southerly direction along a straight line to the southwest corner of the southeast quarter of southwest quarter, section 2, township 18, south, range 4, west; thence in an easterly direction along the southern boundary of said section 2 to the southeast corner thereof; thence continuing in an easterly direction along the southern boundary of section 1, township 18 south, range 4 west, one hundred and eighty-six and seventy-one one hundredths (186.71) feet to intersection with the southeast boundary of land of Birmingham-Southern Railroad Company; thence turning an angle of 57 degrees and 38 minutes to the left 1570.83 feet in a northeasterly direc-

tion to the northern boundary of the southwest quarter of southwest quarter of said section 1; thence turning an angle of 122 degrees and 29 minutes to the left 26.08 feet in a westerly direction along said northern boundary; thence turning an angle of 122 degrees and 29 minutes to the right 1208.7 feet in a northeasterly direction; thence turning an angle of 104 degrees and 55 minutes to the left 5.22 feet in a northwesterly direction, thence turning an angle of 104 degrees and 55 minutes to the right 279.84 feet in a northeasterly direction, thence turning an angle of 90 degrees to the right 1.62 feet in a southeasterly direction along a straight line to intersection with the arc of a curve turning to the right in a northeastern direction and having a radius of 936.37 feet, said arc of said curve being subtended by a cord 53.69 feet in length and said cord forming an angle of 85 degrees and 6 minutes to the left from said straight line; thence in a northeasterly direction along said arc of said curve 53.81 feet to intersection with a straight line, said straight line forming an angle of 85 degrees and 6 minutes to the right from said cord; thence in a southeasterly direction along said straight line 2102.58 feet; thence turning an angle of 32 degrees and 28 minutes to the left 361.21 feet in an easterly direction to intersection with the eastern boundary of the west half of southeast quarter of section 1, township 18 south, range 4, west; thence turning an angle of 89 degrees and 31 minutes to the right 1502.95 feet in a southerly direction along said eastern boundary to the northeast corner of the west half of east half of section 12, township 18 south, range 4 west; thence continuing in a southerly direction along said eastern boundary of said half half section to the southeast corner thereof, thence in an easterly direction along the southern boundary of section 12, township 18 south, range 4 west, and also along the southern boundaries of sections 7, 8, 9, 10 and 11, township 18 south, range 3, west, to intersection with the northwest boundary of right of way of Birmingham Mineral Railroad; thence in a northeasterly direction along said northwest boundary of said right of way to intersection with the southern boundary of section 1, township 18 south, range 3 west; thence in an easterly direction along said southern boundary of said section 1 to the point of beginning.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and county, J. H. F. Mosley, who, being duly sworn, deposes and says that he is editor and manager of the Labor Advocate, a weekly newspaper published at Birmingham, Jefferson county, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate once a week for four consecutive weeks on, to-wit, the following dates: June 16, 23, 30, 1923; and July 7, 1923, and without cost to the State of Alabama.

J. H. F. Mosley,

As Editor of the Labor Advocate.

~~Sworn to and subscribed before me, this 7th day of July, 1923.~~

(Seal)

Mary Mosley,
Notary Public.

By Mr. Brooks:

S. 177. To further regulate the procedure in the circuit courts with respect to motions to set aside judgments or decrees and for new trials.

Judiciary.

By Mr. Brooks:

S. 178. To amend section 6918 of the Code of 1907.

Revision of Laws.

By Mr. Brooks:

S. 179. To provide for the rendition of declaratory judgments and decrees.

Judiciary.

By Mr. Brooks:

S. 180. To provide for the repeal of section 3247 of the Code of Alabama.

Revision of Laws.

By Mr. Brooks:

S. 181. To amend section 6770 of the Code of 1907.

Revision of Laws.

By Mr. Hildreth:

S. 182. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Judiciary.

By Mr. Martin:

S. 183. To further regulate what is commonly known as truck traffic upon the highways of Alabama; to further provide for the care and protection of said highways; to provide for the enforcement of this Act, and to give a right of action in the name of the State of Alabama or any county, or municipality in which said highway is located, or any citizen thereof, against any person, firm or corporation, causing injury or damage to such highways; and to provide a penalty for the violation of this Act.

Revision of Laws.

By Mr. Martin (by request):

S. 184. To alter or re-arrange the boundaries of the city of Dothan, Houston County, Alabama.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to pass a bill, which shall be substantially as follows: A Bill

To be entitled an Act to alter or rearrange the boundaries of the city of Dothan, Houston county, Alabama:

Be it enacted by the Legislature of Alabama:

Section 1—That the boundaries of the city of Dothan, in the county of Houston, State of Alabama, be and the same are hereby altered or rearranged so as to include within the corporate limits of the city of Dothan all of the territory lying within the county of Houston included within the boundaries hereinafter set out, to-wit:

Beginning at the N. W. corner of the S. W. $\frac{1}{4}$ of S. W. $\frac{1}{4}$, section 11, Tp. 3 N., R. 26 E.; thence running east along the land line on the N. side of the S. $\frac{1}{2}$ of S. $\frac{1}{2}$ of section 11, Tp. 3, N., R. 26 E., and the continuation of said land line to the northeast corner of the southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 7, Tp. 3, N., R. 27 E.; thence south along the section line between sections seven and eight in Tp. 3, N. R. 27 and the continuation of said section line to the southeast corner of the northeast $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 30, Tp. 3 N. R. 27 E.; thence west along the south land line of the N. $\frac{1}{2}$ of S. $\frac{1}{2}$, sec-

tion 30, Tp. 3 N. R. 27 E., and the continuation of said land line to the northeast corner of the southeast $\frac{1}{4}$ of southwest $\frac{1}{4}$, section 25, Tp. 3, N. R. 26 E.; thence south along the land line of the east side of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$, section 25, Tp. 3, N. R. 26 E., to the southeast corner of said forty; thence west along the section line between section 25 and 36, Tp. 3, R. 26, to the northeast corner of the N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, section 36, Tp. 3, R. 26; thence south along the east boundary line of said forty to the southeast corner of said forty; thence west along the land line on the south side of the N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, section 36, to the southwest corner of the northwest $\frac{1}{4}$ of northwest $\frac{1}{4}$, section 36, Tp. 3 N. R. 26 E., thence north along the section line between sections 35 and 36 in Tp. 3 N. R. 26 E., to the northwest corner of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$, section 25, Tp. 3, N. R. 26 E.; thence west along the south boundary line of the north $\frac{1}{2}$ of south $\frac{1}{2}$, section 26, Tp. 3 N. R. 26 E., to the southwest corner of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$, section 26, Tp. 3 N. R. 26 E.; thence north along the section line between sections 26 and 27, Tp. 3, N. R. 26 E., and the continuation of said line to the southeast corner of the northeast $\frac{1}{4}$ of northeast $\frac{1}{4}$, section 22, Tp. 3 N. R. 26; thence west along south line of the north $\frac{1}{2}$ of northeast $\frac{1}{4}$, section 22, Tp. 3 N. R. 26 E.; to the southwest corner of the northwest $\frac{1}{4}$ of northeast $\frac{1}{4}$ of section 22, Tp. 3 N. R. 26 E.; thence north along the west boundary line of the northwest $\frac{1}{4}$ of northeast $\frac{1}{4}$, section 22, Tp. 3 N. R. 26 E. and the continuation of said land line to the northwest corner of southwest $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 15, Tp. 3 N. R. 26 E.; thence east along the north boundary line of the south $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of section 15, Tp. 3, N. R. 26 E., to the northeast corner of the southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$, section 15, Tp. 3 N. R. 26 E.; thence north along the section lines between sections 14 and 15 and 10 and 11, Tp. 3 N. R. 26 E. to the starting point.

Section 2. That the corporate limits of said city of Dothan shall hereafter embrace and include the territory described in section 1 hereof.

W. E. Cannady.

State of Alabama, }
Houston County. }

Before me, W. C. Batchelor, a Notary Public, in and for said county in said State, personally appeared W. T. Hall, who being by me duly sworn, deposes and says: that he is editor and proprietor of the Dothan Eagle, a newspaper published at Dothan, in Houston county, Alabama, and has personal knowledge of the facts stated herein and knows the same to be true; that the foregoing notice hereto attached was published in the Dothan Eagle for four consecutive weeks prior to the date hereof, without cost to the State of Alabama; that said notice was published in said newspaper on the following dates to-wit: June 1st, 1923, June 8, 1923, June 15, 1923 and June 22, 1923.

W. T. Hall,
Editor and Proprietor of the Dothan Eagle.

~~Sworn to and subscribed before me this the 22d day of June, 1923.~~

W. C. Batchelor,
Notary Public.

(Seal)
By Mr. Martin:

S. 185. To amend section 4156 of the Code of Alabama, 1907.
Revision of Laws.

By Mr. Huston:

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

Judiciary.

By Mr. Griffith:

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the probate office of the county in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

Judiciary.

By Mr. Griffith:

S. 188. To amend section 8 of an Act entitled "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act."—Approved February 10, 1923.

Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

By Mr. Tunstall:

H. J. R. 64. Resolved by the House, the Senate concurring, That when the two houses adjourn today they adjourn to meet Friday, July 13th, 1923, at 11 o'clock A. M.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

Mr. Waddell moved that the Senate concur in and adopt H. J. R. 64 set out in the foregoing message from the House.

Mr. Duncan objected to the immediate consideration of said resolution, and thereupon the President of the Senate referred said resolution H. J. R. 64 to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 85, relative to the negro hospital for ex-service men located at Tuskegee.

And returns same to the Senate.

J. H. Stewart,
Clerk.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee in session had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 64. Relative to the adjournment of the two houses until Friday, July 13th, at 11:00 o'clock A. M.

And on motion of Mr. Martin said report was concurred in and said resolution concurred in and adopted by the Senate.

RESOLUTIONS.

Mr. Foster offered the following joint resolution:

S. J. R. 87. Whereas, by an Act of Congress each state is invited to place in Statuary Hall at Washington, D. C., the memorial statues of two citizens of such state, who may be distinguished for exalted and patriotic service, and,

Whereas, the State of Alabama has only placed the statue of one of its citizens in said Statuary Hall, therefore,

Be it resolved, by the Senate, the House concurring, That the distinguished services, both in war and in peace, of General Joseph Wheeler entitle him to this tribute of affectionate appreciation, and that his name be, and is hereby formally designated for commemoration by the erection of a statue of marble or bronze in said National Statuary Hall.

Be it further resolved, That the Governor of the State of Alabama shall be and is hereby empowered to take the necessary steps to carry this resolution into effect; the cost of the statue and its erection to be borne by the family of General Wheeler.

Which was read and referred to the Standing Committee on Rules.

Mr. Randall offered the following joint resolution:

S. J. R. 88. Whereas, Miss Julia Strudwick Tutwiler was responsible for the founding of the Livingston State Normal School; and,

Whereas, through Miss Tutwiler the University of Alabama had its doors opened to women and through her efforts grew the first organized prohibition movement, and under her developed one of the State's great normal schools and to her belongs the praise for the establishment of the first juvenile reformatories and to her influence can be traced every humane step in prison reform from 1885 to her death; and

~~Whereas, "Her working days were given to education of the girls of Alabama and her rest days to labor in the amelioration of suffering humanity;" and~~

Whereas, through her will all of her savings were given to the education of worthy young women in this State,

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

1. In consideration of the debt of the people of this State to this woman, and to commemorate the memory of one of the noblest of our Southland of whom it has been said, "The loftiest conceptions of the orator, the poet and the historian all combined

would fail to pay just tribute to the active, helpful, uplifting, eventful life of Julia Tutwiler," that the State Board of Education is hereby requested and authorized to change the name of the Livingston State Normal School to that of the Julia Tutwiler State Normal School.

Which was referred to the Standing Committee on Education.

RECESS.

At 1:10 P. M. on motion of Mr. Ellis, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION

Tuesday, July 10th.

The Senate reassembled at 3:00 o'clock P. M., Lieutenant-Governor McDowell presiding.

ROLL CALL.

On the call of the roll the following members answered to their names, being a quorum of the Senate:

Messrs:			
Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeil	Waddell
Duncan	Hudgens	Oliver	

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INTRODUCTION OF BILL.

Upon a call of districts a bill was introduced, read one time and referred to appropriate standing committee, as follows:
By Mr. Jones of Barbour:

S. 189. To provide for the enforcement of the provisions of sections two hundred and eighty of the Constitution of the State of Alabama; and to provide that no person shall hold more than one office of profit under this State with certain exceptions; to provide penalties for the violation thereof, and to define the terms thereof.

Judiciary.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the follow-

ing resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 86. Be it resolved by the Senate, the House concurring, That a joint committee of the House and Senate, consisting of two members of the Senate to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall make a careful investigation of all clerical work of the two houses, with the view of suggesting a more efficient, expeditious and economical method of handling this work.

Resolved, further, That this resolution be put upon its immediate passage.

Resolved, further, that such joint committee report at the earliest possible date.

And on motion of Martin, said report was concurred in and the resolution adopted.

Also favorably:

S. J. R. 87. Whereas, by an Act of Congress each state is invited to place in Statuary Hall at Washington, D. C., the memorial statues of two citizens of such state, who may be distinguished for exalted and patriotic service, and,

Whereas, the State of Alabama has only placed the statue of one of its citizens in said Statuary Hall, therefore,

Be it resolved, by the Senate, the House concurring, That the distinguished services, both in war and in peace, of General Joseph Wheeler entitle him to this tribute of affectionate appreciation, and that his name be, and is hereby formally designated for commemoration by the erection of a statue of marble or bronze in said National Statuary Hall.

Be it further resolved, That the Governor of the State shall be and is hereby empowered to take the necessary steps to carry this resolution into effect; the cost of the statue and its erection to be borne by the family of General Wheeler.

And on motion of Mr. Martin said report was concurred in and said resolution concurred in and adopted by the Senate and ordered sent forthwith to the House without engrossment.

CALENDAR BILLS.

On motion of Mr. Teasley, the bill:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Was postponed until the 25th Legislative Day.

On motion of Mr. Garth, the further consideration of the bill:

S. 148. To provide and create a commission form of government and to adopt the same in all cities in the State of Alabama, which now have or which may hereafter have a population of more than eight thousand and not more than ten thousand people according to the last Federal census, or any Federal census which may hereafter be taken; to regulate the selection and election and appointment of commissioners and fix their term of office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, mayors, councilmen and certain other city officials and otherwise to provide for the creation and maintenance of said commission form of government; and the impeachment of said commissioners.

Was indefinitely postponed by the Senate.

On motion of Mr. Brower, the bill:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

Was postponed until the 20th Legislative Day.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following resolution:

By Mr. Fanning:

H. R. 65. Be it resolved by the House, That the Senate be and it is hereby requested to return to the House for further consideration H. 230.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Craft the Senate concurred in H. R. 65, set out in the foregoing message from the House, and said bill, H. 230, was ordered recalled from the Senate Committee on Public Roads & Highways and returned to the House.

ADJOURNMENT.

At 3:15 P. M., on motion of Mr. Ellis and pursuant to H. J. R. 64, heretofore adopted, the Senate adjourned until Friday morning, July 13th, 1923 at 11 o'clock.

EIGHTEENTH DAY.

Friday, July 13th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

Prayer by Mr. Pelham of the Senate.

ROLL CALL.

Present:

Mr. President and
Messrs:

Adams	Duncan	Inzer	Oliver
Bonner	Ellis	Johnson	Overton
Brooks	Foster	Jones (Barbour)	Pelham
Brower	Garth	Jones (Conecuh)	Powell
Caffey	Griffith	Martin	Teasley
Carlton	Harlan	Middleton	Tunstall
Carmichael	Howle	McNeil	Waddell
Craft	Hudgens		

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A quorum of the Senate.

JOURNAL.

On motion of Mr. Waddell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE.

On motion of Mr. Craft leave of absence was granted Mr. Randall for today.

On motion of Mr. Tunstall leave of absence was granted Mr. Hildreth for today.

On motion of Mr. Inzer leave of absence was granted Mr. Sloane for today.

On motion of Mr. Overton leave of absence was granted Mr. Hutson for today.

On motion of Mr. Duncan leave of absence was granted Mr. Horton for today.

REPORT OF THE JOINT RECESS LEGISLATIVE COMMITTEE ON
EDUCATION.

To the Legislature of Alabama:

The Joint Recess Legislative Committee on Education, appointed under House Joint Resolution No. 16 to investigate the educational institutions and educational system in the State of Alabama and to secure information and facts necessary to enable the committee to suggest such changes relative to educational affairs in Alabama as are necessary to secure a practical and efficient educational system, begs leave to submit herewith its report which covers the entire work of the committee with its recommendations. Bills have been drafted which, if enacted into law, will make such recommendations effective.

ORGANIZATION OF COMMITTEE

The Joint Recess Legislative Committee on Education met in the hall of the House of Representatives on Tuesday, April 16, at 10:00 A. M., all the members being present. An organization was effected by the election of the following officers: Mrs. J. G. Wilkins, of Dallas, Chairman; Senator W. S. McNeill, Fayette, Vice-Chairman; Mr. C. A. Verbeck, of Gadsden, Secretary.

ITINERARY OF INVESTIGATIONS

After a discussion of the general and special activities proposed for the committee in the joint resolution, a program was agreed upon embracing an itinerary covering the State with open and private conferences for hearing interested persons and committees while en route.

The itinerary as planned covered a period of 19 days, during which time the committee visited the University of Alabama at Tuscaloosa, the Alabama Polytechnic Institute at Auburn, the Alabama Technical Institute and College for Women at Montevallo, Class A normal schools for white persons at Florence, Jacksonville, Livingston and Troy, and for negroes at Montgomery, the Class B Normal School for white persons at Daphne, the State Agricultural and Mechanical Institute for negroes at Normal, State secondary agricultural schools at Albertville, Hamilton and Lineville, county high schools in Pike, Baldwin, LaFayette, Marion, Etowah, Chambers, and Jefferson counties, county public schools in Pike, Marion, Etowah, Madison, Chambers, Jefferson and Mobile counties, city schools of Birmingham, Gadsden, LaFayette, Clanton, Mobile, Troy, Anniston, and Bay Minette. The schools and communities visited were selected as typical of conditions throughout the State. Other institutions visited were the Alabama Boys' Industrial School at East Lake, State Training School for Girls at Birmingham, and the Alabama Vocational School for Girls at Woodlawn, all of which are in Jefferson County, and the Academy for the Blind (White), Talladega, Academy for the Blind (Negro), Talladega, and Institute for the Deaf, Talladega.

During the visits to the State institutions observations were made of the physical plants of each. Conferences were held with executive officers, faculty members and pupils. Some of these conferences were held with each group collectively and at other times individual conferences were held. On visits to county and city schools investigations were made not only of the general physical equipment of the system but also the committee exerted its best efforts to meet and talk with individual citizens in an effort to learn of them the general attitude of the people towards the manner in which the general affairs of such schools are being administered.

From time to time notices were given to the press with information that the committee was on a trip of investigation in the State and inviting any and all citizens to meet with it for the purpose of conferring on educational affairs in general. Considering the amount of time at the disposal of the committee on its trip through the State, these invitations were uniformly accepted.

The itinerary of the committee carried it 1,420 miles by railroad, 599 miles by auto and 34 miles by water. On its trip of investigation the committee visited 69 schools. It is conservatively estimated that 600 persons were in conference with the committee, collectively and individually, while on its trip of investigation.

After the completion of its itinerary the members returned to their respective homes, and on May 21 reconvened in the hall of the House of Representatives in Montgomery for further hearings, deliberations, and the consideration of the sub-committee's report and the bills to be drawn making effective the recommendations contained therein.

COMMITTEE HEARINGS

During the recess taken a general notice was given in the press of the State that during the week of May 21 open session would be held daily by the committee for the purpose of hearing any and all citizens or committees that might desire conference on matters bearing on education in Alabama. The greater part of two weeks was given to hearing from those interested in the improvement and development of the State's educational system.

During the week the State Superintendent of Education was called before the committee to give information bearing on the school affairs of the State in general, and especially those phases of educational work for which the State Department of Education is held directly responsible by law. He supplied the committee with a detailed statement including descriptive and statistical information, covering the field and office activities of the several divisions of the State Department of Education, a copy of the proposed budget for the next quadrennium approved by the State Board of Education, and in addition numerous supplementary reports bearing on school development and attendance, and containing general information touching on the finances of the past quadrennium.

The committee made careful inquiry of the State Superintendent regarding the general conduct of his office. He, as well as the several heads of divisions of the State Department of Education, were carefully questioned on matters general in character, and inquiry was made in search of specific information bearing on matters to which attention had been called during the itinerary of investigation. The committee also made independent personal investigations of the Department.

FINDINGS OF THE COMMITTEE

After due consideration had been given to all matters presented and an investigation had been made of the general administration of school affairs in the State, as well as the general work of the State Department of Education both in the office and in the field, the committee entered into deliberation looking to the preparation of this report. The report giving findings and recommendations of the committee is arranged under the chapter headings, Elementary Education, Secondary Education, Normal Schools, Institutions of Higher Learning, Special Types of Schools, State Department of Education, School Laws, and Summary. It is believed that this will facilitate the use of the report by members of the Legislature and others who may be interested in the educational welfare of the State.

CHAPTER I

ELEMENTARY EDUCATION

The elementary school is the foundation upon which all subsequent education is built. The first consideration, therefore, must of necessity be given to this part of our educational service. Your committee has felt that any investigation into the educational needs of the State would be superficial and fail to be constructive in character without a rather wide study of the elementary schools. Therefore, careful scrutiny has been made of conditions in these schools and at the same time of the facts relating to the development of this work during the past few years, to the end that your committee might be able to give as comprehensive a report as possible on the conditions prevailing at the present time. The committee visited elementary schools in the following counties: Pike, Jefferson, Fayette, Marion, Madison, Marshall, Etowah, Calhoun, Chambers, Chilton, Tallapoosa, Mobile and Baldwin.

BUILDINGS, GROUNDS AND EQUIPMENT

In a number of the counties visited buildings were seen in use for school purposes that were originally dwellings, churches or abandoned storehouses. These and many of the older types of school buildings are absolutely unfit

for such use. They are poorly lighted, have no ventilation except through the cracks, doors and broken windows, and in many instances are little more than wretched hovels. They are without suitable desks for pupils and teachers or any sort of equipment save crude, uncomfortable benches, with an open water bucket and dipper on a shelf in the corner of the room. The surroundings of these buildings as a rule are uninviting with little or no attempt to provide for the physical welfare and comfort of the children.

In happy contrast with these conditions the committee found in every county visited attractive, well planned and carefully constructed buildings. These buildings, except in Jefferson County where a special architect has been employed, were constructed in accordance with the State plans. Communities located many miles from the railroad have provided modern school buildings as a direct result of the State-aid program which provides one-third of the minimum cost of the buildings, and without additional cost to the community furnishes plans and specifications.

Some of the figures taken from reports submitted show a rapid growth and improvement in this important phase of school progress.

SUMMARY OF STATE AID IN THE ERECTION, REPAIR AND EQUIPMENT OF
SCHOOL BUILDINGS

	State Aid Available.	State Aid Consumed.	New Buildings.	No. Rooms Estimated.	Estimated Cost.
1915	\$161,572.56	\$ 71,546.13	180	360	\$165,395.00
1916	238,526.70	112,000.00	86	172	153,246.00
1917	320,543.41	51,093.37	92	276	154,373.00
1918	403,449.88	79,436.74	115	345	167,341.00
1919	459,588.18	170,083.00	173	519	610,000.00
1920	216,725.00	145,629.00	115	450	464,660.00
1921	302,058.11	266,490.00	167	668	1,106,120.00
1922	285,789.17	260,799.00	159	548	1,229,250.00
			1,087	3,368	\$3,948,221.00

The foregoing facts are gratifying indeed and evidence the widespread interest the people of the State have shown in the matter of providing for their children wholesome, sanitary and healthful surroundings at school which at the same time are attractive, inspiring and educative. But when it is noted that there are in the State a total of 6,476 schoolhouses and that only 1,087 new buildings have been erected during the past eight years it becomes manifest that at the present rate many years must elapse before anything like adequate school facilities will be provided for all the children.

The committee, therefore, recommends continued and increasing support of the rural school building program which has made possible the many hundreds of modern schoolhouses in every section of the State.

SUPPORT AND MAINTENANCE, ATTENDANCE AND LENGTH OF TERM

The committee found that the question uppermost in the minds of the people who were interviewed in different sections of the State related to the support and maintenance of the schools. In the rural communities all voiced the great need and desire for sufficient funds to make possible longer terms and the employment of better trained teachers in their schools. The salaries of teachers in rural schools visited by the committee ranged from \$40.00 per month in some of the smaller isolated places, and this for only a short term of four or five months, to \$200.00 per month paid the principal of the larger consolidated centers where the school term is for a full nine months.

The people of Alabama have been increasingly generous in their support of education, as shown by the figures given below.

SUMMARY OF EXPENDITURES FOR EDUCATION BEGINNING 1914-15
(Including expenditures for elementary and secondary schools)

1914-15.....	\$4,915,438	1918-19.....	\$7,359,840
1915-16.....	5,051,623	1919-20.....	9,536,746
1916-17.....	5,033,961	1920-21.....	12,659,232
1917-18.....	6,433,707	1921-22.....	14,924,324

The most significant observation which a cursory examination of these figures reveals is the rapid increase each year since 1917. It was during this year the first tax levies were made under the local tax constitutional amendment adopted November, 1916. While the State appropriations increased its support of elementary and high schools 70.6 per cent between the years 1917 and 1921, the county and district support was increased 330.6 per cent. (See page 27, Annual Report State Department of Education, 1921.) During the same period the elementary school enrollment in Alabama has increased from 439,768 in 1915 to 545,206 in 1922, an increase of 24.0 per cent, and the high school enrollment in Alabama has increased from 22,444 in 1915 to 47,404 in 1922, an increase of 111.2 per cent.

No state in the nation has been increasing its support to the public schools, relatively speaking, more rapidly than Alabama. It is a compliment to the patriotism and love of children on the part of the rank and file of the citizenship of the State. It is very evident that when the taxpayers of the State are given an opportunity to increase the educational advantages of their children they do not hesitate to vote upon themselves additional tax burdens when the bearing of these burdens means better schools.

An examination of the reports show that the average school term for the State has increased from 121 days in 1915 to 141 days in 1922. Under the Constitution the State funds are apportioned to the counties on a school population basis. To this fund is added the county funds, which is further supplemented in many instances by a district tax. In the year 1922 the

State funds amounted to.....	\$4,555,626
County funds	4,074,882
District funds	2,204,459
Matriculation and incidental fees, etc.....	966,271
Loans, bond sales, etc.....	1,511,841
From all other sources.....	1,711,045
Total.....	\$14,924,324

This total amount constituted the moneys available for the operation and maintenance of the public elementary and high schools of the State for that year. Reports furnished the committee show that the per capita cost of elementary education per pupil enrolled varies from \$36.60 in Greene county to \$7.51 in Randolph county.

WHITE SCHOOLS

Counties Ranked on Basis of Per Capita Expenditures for Elementary Instruction 1921-2

1. Greene	\$36.60	8. Bullock	30.01
2. Sumter	34.07	9. Hale	29.39
3. Lowndes	32.89	10. Montgomery	29.12
4. Dallas	32.85	11. Mobile	28.53
5. Russell	31.13	12. Macon	27.33
6. Jefferson	30.94	13. Wilcox	26.64
7. Marengo	30.20	14. Perry	22.70

15. Lee	20.97	42. Coosa	12.55
16. Pickens	19.65	43. Limestone	12.53
17. Autauga	17.40	44. Fayette	12.46
18. Clarke	16.60	45. Pike	12.19
19. Bibb	16.13	46. Tallapoosa	11.78
20. Baldwin	16.04	47. Madison	11.72
21. Tuscaloosa	15.93	48. Lawrence	11.49
22. Conecuh	15.91	49. Chilton	11.06
23. Talladega	15.59	50. Coffee	11.03
24. Chambers	15.57	51. Marion	10.69
25. Monroe	15.49	52. Franklin	10.46
26. Barbour	14.95	53. Lamar	10.29
27. Choctaw	14.70	54. Dale	10.08
28. Shelby	14.62	55. St. Clair	9.58
29. Elmore	14.56	56. Covington	9.55
30. Butler	14.50	57. Cleburne	9.34
31. Washington	14.35	58. Winston	9.26
32. Calhoun	13.90	59. Geneva	9.21
33. Clay	13.90	60. Walker	9.06
34. Etowah	13.90	61. Cullman	9.04
35. Escambia	13.85	62. Cherokee	8.84
36. Houston	13.75	63. Marshall	8.66
37. Morgan	13.65	64. Blount	8.09
38. Crenshaw	13.48	65. Jackson	8.08
39. Colbert	13.12	66. DeKalb	7.69
40. Henry	12.96	67. Randolph	7.51
41. Lauderdale	12.65		
Average		\$15.46	
Average for cities		24.32	
Average for rural schools		13.25	

The mere examination of this table showing the widely divergent amounts available is sufficient evidence of the inequality of educational opportunity in the several counties of the State. Below is given a list of the counties whose school terms were less than seven months during the year 1922. The counties are arranged in the order of length of term, the county with the shortest being first.

Lamar	Washington	Tuscaloosa	Pickens
Cullman	Baldwin	Cleburne	Pike
Marion	Coffee	Covington	Clay
Randolph	Conecuh	Franklin	Colbert
DeKalb	Tallapoosa	Lawrence	Limestone
Winston	Chilton	St. Clair	Madison
Blount	Monroe	Marshall	Choctaw
Fayette	Morgan	Dale	Autauga
Cherokee	Walker	Coosa	Houston
Crenshaw	Calhoun	Jackson	Lee
Geneva	Henry	Lauderdale	Escambia
Shelby			

It will be noted that forty-five counties have been named. In all of these counties the three-mill tax is being levied and in a majority of them the one-mill constitutional tax has also been utilized for the support of the schools. It will be found also that the three-mill district tax is being levied on more than half of the property in these counties. These facts are stated here in order to make clear that if free public schools are to be maintained for a length of term sufficient to give the children of these counties oppor-

tunity such as they are entitled to it will be necessary to find ways and means of increasing the amount of funds available for the operation and maintenance of the schools in these counties.

A very important matter vitally connected with this whole question of improving the schools is that of attendance. When the owners of property are required to provide through a system of taxation means for the operation and maintenance of schools a necessary corollary is that the children have opportunity to attend regularly, and that the same general principal which would make it mandatory on the part of the property holders to pay taxes would make it mandatory on the parent to see that his child attends school. It is therefore keenly disappointing to observe in the records submitted for the consideration of the committee that the enrollment in the various public schools of the State is less than 70% of the school population and that the actual attendance is only slightly more than 70% of the enrollment. However, there is evidence that the situation is changing generally for the better, due to the fact that the percentage of attendance has increased materially in the last five years. An intelligent but effective enforcement of the compulsory attendance law will, it is believed, eliminate this serious lack of efficiency in the operation of the public schools.

TEACHERS

A large number of the country schools visited had already closed. Beautiful buildings were in use only five or six months in the year. The teachers of these schools for the most part find it necessary to engage in other occupations during the vacation season, which is much longer than the school term. While the committee did not have sufficient time and was not prepared to pass upon the character of instruction, still it is clear that it is impossible for teachers to render the highest type of service under such conditions. On account of the law of supply and demand the better trained teachers naturally go to the cities and towns, while the more poorly equipped teachers are employed to instruct the children in the country schools. We find that we have in Alabama 6,485 white teachers in the public schools with second or third grade certificates. A great service is being rendered these teachers at the present time by the normal schools through extension and summer school work. Along with the improvement needed in increasing the length of school terms and providing additional means for this should come the provision of ample opportunity for study and improvement for this large body of teachers who lack definite preparation for the work of instructing the children.

CITY ELEMENTARY SCHOOLS

Elementary schools were visited in town and city communities as follows: Birmingham, Fayette, Huntsville, Gadsden, Anniston, LaFayette and Mobile. In all of these communities the length of school term is nine months. However, it was found that in Birmingham a lack of school accommodations has made it necessary to operate a double session schedule each day in many of the schools. In other words, one group of children attend school in the forenoon while another attends in the afternoon, using the same room. This condition was also reported to exist in other cities of the State. Such conditions are to be deplored and certainly are not conducive to proper development and growth of the children. This general lack of facilities and over-crowding appears to be prevalent in every urban community visited. The hearings held in these communities on the subject of local needs in every instance brought out the fact that school authorities were laboring under serious handicaps, that successful work is impossible for many teachers and children on account of the over-crowded and in many instances unsanitary conditions. The many buildings used temporarily for school purposes are wholly unfit for such service and cannot fail to bring into discredit the civic ideals of the communities involved. Some measure of

relief should be provided for the urban communities of our State, which are increasing in population more rapidly than they are increasing in tax values.

CHAPTER II

SECONDARY EDUCATION

The maintenance of a system of high schools is recognized by the committee as vital to a well rounded educational program. The significance of this statement is fully grasped when it is considered that the high school enrollment in Alabama four years ago was approximately 27,000, while the session just closed shows an enrollment of 52,000 with fully 6,000 completing high school courses of study in accredited institutions.

TYPES OF HIGH SCHOOLS

Instruction of secondary grade is being given in four distinct types of schools as follows: county, rural, and city high schools, State secondary agricultural schools, and in addition county training schools for negroes. The courses of study are more or less uniform in each. Especially is this true of the fundamentals—English, history, mathematics, and science. There is, however, a difference in the scope of work in the several types, and there is a variation in the method of control.

County high schools are taught in State-owned buildings and are governed by county boards of education under rules and regulations set up by the State Board of Education with limited power reserved to the State board by law.

Those high schools in rural sections or in municipalities of fewer than 2,000 people are classified as rural. The affairs of such schools are administered by county boards of education, except that those schools located in incorporated towns of between 1,000 and 2,000 people may come under the control of school authorities of such towns by the prescribed legal steps as set forth in section 1, article 8 of the School Code.

Many rural schools offer both high school and elementary instruction. A number of the large type rural schools, and especially consolidated schools, have met all requirements for high school accreditation.

City high schools are a part of the city school system in municipalities of over 2,000 people. The affairs of such schools are administered by boards of education selected by the city councils or city commissions.

The system of State secondary agricultural schools is under the direct control of the State Board of Education, the affairs of such schools being administered by the State board.

County training schools for negroes are institutions offering not more than two years of high school work. They are created to provide industrial courses and to afford opportunity for training teachers. They are maintained in part through a co-operative arrangement between the State Board of Education administering General Education Board and Jeanes funds, and county boards of education.

High schools of any of the above mentioned types, except county training schools for negroes, are accredited when standards of physical equipment, library, teaching force, course of study, and length of school term are maintained. The State Department of Education is the accrediting agency. The standards prescribed are not so high as those maintained by the Southern Association of Colleges. A lower standard is maintained at this time because it is desired to encourage and assist in every way the development of standard high schools for the rural population. In this connection the attention of the committee was called to the fact that over 17,000 of the 20,000 high school pupils, not including those enrolled in city high, county high and agricultural high, are attempting secondary work in unaccredited schools.

All matters relating to secondary education are handled by the State board through the Division of Secondary Education, except that the Divi-

sion of Vocational Education is held responsible for the supervision and direction of the State secondary agricultural schools. Vocational courses are especially stressed in these institutions.

COUNTY HIGH SCHOOLS

According to statistical information secured from the State Department of Education, there are 61 county high schools in operation in Alabama at this time. All counties of the State, except Bullock, Greene, Mobile, Montgomery, Russell, and Tuscaloosa, are provided with such institutions; however, one is being organized in Montgomery county for the coming year. The total enrollment of the 61 schools for the fiscal year just closed was 9,040, the number being about equally divided between the sexes.

The property valuation of the schools of the system is \$1,547,617.00. The annual appropriation to each county high school is \$3,000.00 with an additional maximum available appropriation of \$1,000.00, all or any part thereof to be paid to any school for which the county board will provide funds from public or private sources to match the State fund. The total expenditures in county high schools for the fiscal year ending June 30, 1923, was approximately \$525,000.00, of which amount \$238,521.00 was directly appropriated from the State treasury.

Statistical information covering receipts, disbursements, and enrollment of the county high school system for the quadrennium 1918-1919 to 1921-1922 is given in the accompanying table.

RECEIPTS

Year.	State Appropriations.	County Board Appropriations.	All Other Sources, Balances, City Appropriations, Co. Board of Revenue, Fees, Plays, Etc.	Total
1918-19	\$171,000	\$ 41,484	\$ 55,122	\$267,605
1919-20	171,000	69,428	90,848	331,276
1920-21	217,625	124,326	122,326	464,277
1921-22	233,000	111,755	146,142	490,897

DISBURSEMENTS

Year.	Salaries of Principals and Teachers.	Expenditures all Other Purposes: Janitors, Fuel, Water, Light, Power, Insurance, Equipment, Repairs, Balances, Etc.	Total.
1918-19	\$210,613	\$ 56,992	\$267,605
1919-20	243,891	87,585	331,276
1920-21	326,221	127,356	453,577
1921-22	376,137	124,760	490,897

ENROLLMENT

Year.	7th Grade.	I H. S.	II H. S.	III H. S.	IV H. S.	Total I-IV	Graduates.
1918-19	528	2,167	1,473	1,126	835	5,601	627
1919-20	602	2,274	1,834	1,287	950	6,345	804
1920-21	677	2,413	1,991	1,471	1,036	6,901	876
1921-22	645	2,634	2,276	1,823	1,418	8,151	1,285
Gain 1921-22 Over							
1918-19	22.1%	21.1%	53.7%	60.8%	70.7%	45%	104.9%

The itinerary of the committee made it possible to visit the county high schools at Brundidge in Pike county, Guin in Marion county, Attalla in Etowah county, Milltown in Chambers county, Fayette in Fayette county, and Bay Minette in Baldwin county. Each of these schools was in session on the occasion of the committee's visit and whereas the time spent in any one of the high school communities was of necessity limited, opportunity was afforded the committee to see the student body and observe the physical plant and complete equipment of each school. Observations made, supplemented by information obtained from county school officials, high school teachers, and from interested citizens who were interviewed, prompt the committee to say that the needs of these schools are by no means being met.

The attendance of county high schools is not limited to local communities; frequently they draw pupils even from neighboring counties. The buildings visited were crowded, the teaching force entirely too limited, and equipment meager; many buildings are greatly in need of repair, and the need for additional funds is common to all. Such conditions, according to information secured by the committee, are typical of conditions existing in a large majority of other county high schools in the State.

Since the State's program of education provides for a system of county high schools as a means of offering secondary education to the children of the counties in which they are located and who will avail themselves of the opportunities offered, the committee is convinced that the instruction should be adequate for the thorough training of those attending these schools. The committee is also convinced that the State-owned property of these schools, amounting to more than \$1,500,000.00, should be cared for in such a way that loss will not be sustained through general deterioration or otherwise, because of lack of funds for keeping the physical plants in good condition.

The committee is of the opinion that school athletics should be regulated by controlling boards of education by setting up standards of scholarship in individual schools to be attained by pupils engaging in interscholastic contests, and by limiting the number of such contests and time spent away from school to participate therein. This recommendation is made because the complaints made in some quarters of the State lead the committee to the conclusion that athletics are encroaching on school time which could and should be more profitably spent.

In order that the immediate and pressing needs of the county high schools may be met, the committee proposes the following:

(a) That the conditional annual appropriation of \$1,000.00, with the contingent appropriation of \$500.00 which has not yet been released, be increased to \$3,000.00, thereby giving additional aid to those county high schools which are in need of such assistance and are willing to meet the State half way in supplying these needs.

(b) That the fund for the erection, repair, and equipment of rural schoolhouses be made available for the repair and equipment of county high schools under the same conditions and for the same amounts as in the case of rural schoolhouses.

RURAL HIGH SCHOOLS

These large type schools in rural communities or in municipalities of less than 2,000 people which offer both elementary and high school instruction usually in the same building, together with those districts which have a large high school population with no well defined course of instruction, present the great problem in high school education from the committee's view point.

The committee's itinerary carried it to several such schools, among the number being the following: Springhill, Pike county; Wigginton, Bryd and Hackleburg, Marion county; Central Consolidated, Riverton, New Market, Madison county; Gaston Consolidated and Glencoe, Etowah county; Mumford, Talladega county; Five Points Consolidated, Shawmut, Langdale and Fairfax, Chambers county; Jemison and Verbena, Chilton county; Alliance, Jefferson county.

Fully appreciative of the progressive spirit of the citizens of all communities visited where modern school plants have been constructed, your committee desires to depart from the policy adopted in writing this report and commend the West Point Manufacturing Company, which operates a chain of cotton mills in Chambers county, and several corporations in Jefferson and one or more in a few other counties, for their interest in the education of the children of their employees. This interest is evidenced by the splendid school structures which they have erected and equipped, and by the liberal policy of giving financial assistance to county boards of education for maintenance purposes.

The schools of the districts in which such corporations are interested are well manned, properly supervised, housed in modern buildings, and maintain nine-months' school terms. This consideration given public education by such corporations indicates that big business recognizes the importance of education and realizes that money invested therein will give returns in contentment and efficiency of their employees. This foresightedness on the part of big business should excite the emulation of the State of Alabama, the one corporation in which every citizen is a stockholder.

The school plants in the districts visited gave evidence of unusual interest in education. Buildings have been constructed at several of these places at a considerable financial sacrifice on the part of the patrons of the individual schools. After the full amount of district tax has been voted in many districts and the county board had made the largest possible appropriations to such schools, the funds when available were still inadequate for the construction of a building sufficiently large and suitable to meet the district's needs. As a consequence, a great part of the burden of completing the building fell on a few individuals. These almost invariably "gave until it hurt" and later found themselves burdened with obligations almost impossible to meet.

The buildings being completed and equipment purchased in such districts, maintenance of the schools continued to present an annual problem to interested patrons. With all district tax funds pledged for a period of years to pay for the construction of the building, with the total donations from county boards of education insufficient to maintain a school term in many instances of even less than six months, and with an ambition to maintain an accredited high school of nine months, many communities have assumed and are continuing to assume obligations that are proving burdens to them. As is so often the case in such instances, dissatisfaction with school conditions has followed. This dissatisfaction often results from a desire on the part of parents to secure superior school advantages for their children, which when secured, prove financial burdens many are unable to bear. This condition seems to be State-wide and relief is needed. The committee is of the opinion that at present many districts are straining themselves to provide accredited high school facilities. This is commendable, but the development of accredited high schools should not be made at the expense of the elementary grades, which are fundamental to an efficient school system.

Your committee is of the opinion that county boards of education are in need of assistance and guidance in furthering, directing and supervising high school development under their jurisdiction similar to that now given in the case of county high schools. The demand for such service is already so great that the State Supervisor of Secondary Education informs the committee that more calls already come for assistance of this sort than can possibly be met with the present force.

With the view of placing high school education within the reach of every boy and girl who completes the elementary course of study, the committee recommends that a high school fund of at least \$300,000.00 be made available for such purposes, the same to be appropriated to the several counties on an equitable basis to be used for furthering high school education in those districts in need of such fund. The committee is of the opinion that such

appropriations will give relief to deserving districts which are willing to help themselves.

CITY HIGH SCHOOLS

The city high schools are crowded to their full capacities. Additional buildings and equipment is a universal need with them. Complaint is made that the teaching force is inadequate and underpaid. Unquestionably, the one pressing handicap is the lack of funds. The committee is convinced from observations made and from information secured through inquiries made of interested citizens, school and city officials in such cities, that more money is needed. If additional public funds are made available, the city schools, both elementary and secondary, should receive the relief of which they are now so much in need.

STATE SECONDARY AGRICULTURAL SCHOOLS

The schools at Hamilton, Albertville, and Lineville were visited by the committee while making investigations of educational institutions in the State; except at Lineville the work of the year was already finished at the time of the visit.

There are ten State secondary agricultural schools. Each is offering courses in vocational agriculture, vocational home economics and general science. Three of the schools offer a foreign language course. However, such language course is maintained by the communities in which the schools giving them are located. Statistical information given below was compiled by the State Department of Education on request of the Recess Committee on Education. It shows the enrollment by schools for the present fiscal year. Pupils living as far as three miles from the communities in which the schools are located are classified as non-residents.

School.	Enrollment.			Non-Resident Attendance.			Non-Resident Percent-
	M.	F.	Total.	M.	F.	Total.	age.
Abbeville	72	79	151	23	22	45	29.9
Albertville*	230	117	347	145	33	178	51.0
Athens	104	145	249	57	88	145	54.8
Blountsville	88	95	183	54	52	106	57.9
Evergreen	66	113	179	5	9	14	7.7
Hamilton*	209	96	305	116	37	153	50.0
Jackson	64	73	137	35	36	71	51.8
Lineville	88	116	204	26	29	55	26.5
Sylacauga	94	127	223	38	55	93	41.7
Wetumpka	96	104	200	48	61	109	54.9
Totals			2,163			959	44.3

*The above figures include 93 ex-service men enrolled at Albertville and 86 ex-service men enrolled at Hamilton.

Forty-seven counties of the State are represented in the enrollment of the ten schools. A study of the table shows that the influence of a few of these schools is not being greatly felt outside of the counties in which they are located. The committee is of the opinion that some of these schools are rather poorly located to serve as centers for instruction in agriculture. It is also of the opinion that the incorporation of vocational courses in the curricula of these schools has done much to make them function along agricultural and home-making lines, as was the purpose of the original law creating the schools.

The committee was favorably impressed with farming activities on the farms both at Hamilton and Albertville. The farming enterprises at both places are commanding the respect of local farmers. The school at Lineville has only eight acres of land for farming purposes and is thereby handi-

capped. Judging from the limited areas owned by some of the other schools and from information secured on inquiry about their farming operations, there are doubtless other school farms that are ineffective.

Through a co-operative arrangement with the State Board of Education, the Veterans' Bureau is utilizing the schools at Albertville and Hamilton as training centers for ex-service men. One hundred and seventy-nine trainees have been enrolled at these two institutions during the past school year.

Formal endorsement was given a resolution passed by the Joint Recess Legislative Committee on Agriculture which bears on vocational work in the agricultural schools and in other schools offering vocational courses. The resolution as endorsed by the Committee on Education is as follows:

"Be it resolved by the Joint Legislative Recess Committee on Agriculture:

"First, That we endorse the vocational educational program now in operation in Alabama, and that we especially commend the vocational type of instruction being given in the State secondary agricultural schools in both agriculture and home making.

"Second, That it is the opinion of the committee that agricultural instruction now being given by vocational teachers, who are trained both in theory and practice of agriculture and who are teaching the subject in the class rooms and supplementing such teaching by actual farm work at the homes of the pupils enrolled and who are organizing and teaching classes of adult farmers along vocational lines, will result in improving the methods of farming and tend to hold the youths of the rural sections of the State on their home farms.

"Third, That the committee believes the vocational method of teaching the art of home-making is fundamentally right and when introduced into all of our schools together with evening instruction made possible for adult women in rural communities will go far towards bringing to Alabama homes better economic conditions and a greater degree of happiness and contentment."

On invitation of the citizens of the Alliance school district in Jefferson county, the committee visited that school. Formal request was made that the committee recommend the establishment of a State secondary agricultural school at that place. The cause was advocated by a number of local citizens as well as interested persons in other sections of Jefferson county. The committee was favorably impressed with Alliance as a suitable place for such a school and endorses the establishment of a State secondary agricultural school in the Ninth Congressional District.

The committee recommends:

(a) That if it is consistent with the State's income for the next quadrennium, the schools' need of annual increased appropriation for maintenance be duly recognized, and if an additional annual appropriation be made to these schools, it be made contingent on the construction of dormitories by local communities.

(b) That a State secondary agricultural school be established in some agricultural community in the Ninth Congressional District.

COUNTY TRAINING SCHOOLS FOR NEGROES

In a large number of counties in the State with large negro population there are county training schools for the purpose of giving junior high school courses of instruction to negroes of high school grade. These schools offer courses leading to the preparation of teachers for low grade certificates and courses in agriculture and home making.

The General Education Board co-operates with county boards of education in the construction of buildings and maintenance of the institutions provided recognized standards of physical equipment as well as an approved number of teachers are maintained. County training schools are in opera-

tion in Alabama in the following counties: Autauga, Baldwin, Bibb, Chambers, Clarke, Coosa, Coffee, Conecuh, Hale, Henry, Lowndes, Mobile, Pickens, Randolph, Sumter, Tuscaloosa, and Walker.

The following conditions are imposed on county boards of education in the recognition of county training schools for negroes: A school building of four classrooms with a work room for girls, and a vocational building with classrooms and wood and iron shops for boys; an annual appropriation of not less than \$1,000 for the payment of teachers' salaries; a faculty of not fewer than four teachers employed for work in regular branches for not less than eight scholastic months each year; suitable equipment for the girls' work room and the shop building for industrial work for boys.

The State Board which administers the John F. Slater, Julius Rosenwald, and Anna T. Jeanes trust funds, and the State and Federal Vocational Education funds gives assistance in the construction and equipment of buildings and in the payment of salaries of teachers.

CHAPTER III

NORMAL SCHOOLS

The committee visited all of the normal schools of the State, the Class A normal schools located at Troy, Jacksonville, Florence and Livingston, the Class B normal school located at Daphne, and the Normal School for Negroes located at Montgomery.

PHYSICAL PLANTS

At every one of the Class A schools visited crowded conditions exist, but not to such a great extent at Livingston. This school, however, had a capacity attendance. The president stated that on account of the inability to find boarding accommodations in the town it had been necessary to limit the attendance to the dormitory facilities provided for his institution. The physical plants of all of the Class A normal schools are poorly arranged and on the whole inadequate for the purposes used. Modern training schools have been constructed recently at Jacksonville, Livingston and Florence. The presidents of these institutions stated that these buildings are totally inadequate for training school purposes, providing accommodations only sufficient for the first six elementary grades. The school plant at Troy, located as it is right on the railroad, is to be abandoned as soon as means are provided for the erection of new buildings on the recently acquired site located a mile distant from the present buildings. The training school building is in course of erection on this new site, the funds for which were appropriated by the Legislature of 1919. These institutions have more than doubled in attendance during the past three years and are seriously handicapped through a lack of facilities. During the regular term, summer quarter and extension work more than half the white teachers of the State are served by these schools. No greater compliment could be paid to these institutions than is evidenced by the fact that literally hundreds of the teachers of the State are willing to live crowded in the cramped quarters, tents and poorly arranged rooms which must be resorted to by the institutions, as well as in private homes, in order to avail themselves of the opportunity of pursuing courses which will add to their efficiency as teachers in the public schools of the State. Lack of classroom, laboratory, library and dormitory facilities at these institutions constitutes one of the most serious barriers to the improvement of the work of teaching in the elementary schools. In order to have better teachers opportunity must be afforded young men and young women to attend normal school with modern school plants in which the regular work may be carried on and at the same time make attractive and wholesome the life of the student body while engaged in preparation for the teaching profession.

ATTENDANCE

The attendance at the Class A normal schools has more than doubled in the last three years. This increase has come without a corresponding increase in the facilities for carrying on the work. The following example, which is typical, will show something of the increase in these schools:

Troy:	
1919-20	534
1920-21	849
1921-22	1,123

The regular session attendance at Troy has advanced from 277 in 1920 to 542 in 1923, practically a hundred per cent increase. The summer school attendance at this institution has increased from 257 in 1920 to 721 in 1922, with an outlook for an even larger summer school attendance for the current year.

At the Florence Normal School we find an enrollment during the regular session of 606. The enrollment for the summer school of 1922 was 947, making a total enrollment during the past twelve months of 1,553.

The increase in attendance at Jacksonville is correspondingly as great, while that at Livingston, as above stated, is limited on account of the lack of boarding accommodations in the town.

The above given figures on attendance are exclusive of pupils enrolled in the training schools.

EXTENSION WORK

The extension work at these institutions has had phenomenal growth since its inauguration three years ago. Instructors from these schools go to the various counties organizing in convenient locations classes with which they meet periodically from eight to twelve times during the school session. The instructor from the normal schools organizes a class which affords the teacher opportunity to study under the guidance of an expert the school problems in which he is engaged every day in his regular duties as a classroom teacher. At the same time the work is so organized as to represent the equivalent of a residence course, for which the institution gives full credit should a teacher securing the credit desire to attend the institution and work for a diploma or a degree. More than 3,000 teachers have been engaged in the extension work during the present year, and the calls for this character of assistance show that only a beginning has been made. The only support given this service is a small amount appropriated by the State Board of Education and the incidental fees collected from the teachers.

TEACHING STAFF

While the handicaps of the normal schools are great on account of lack of dormitories, classrooms, etc., perhaps the greatest and most serious limitation is in the smallness of the teaching staff. At every one of these institutions it was found that the instructors were uniformly under the necessity of teaching a larger number of classes and a larger number of students per class than standard conditions allow. In a great many instances instructors in these schools are carrying fifty per cent above the regular assignment. This cannot continue for any great length of time without lowering the efficiency of these schools to the point where the service will be seriously affected. In order to develop the extension work and make most effective the work in residence, the faculties of these institutions would have to be increased fifty per cent, and in the last analysis this would be economy in view of the larger service which would be possible to the elementary schools of the state.

The summer schools at these institutions have been carried on by order of the State Board of Education but without any appropriation for maintenance. It has already been brought out that this is also true in regard to

the extension work. If these schools are to thrive and function with a proper degree of efficiency it is absolutely necessary to immediately provide them with funds to carry on these two types of service. So very pressing is the need for relief in regard to the summer schools that unless means are provided to take care of the expenses of the summer session these institutions will be seriously involved. These summer sessions, originally begun on a small scale as an experiment, have developed to such an extent that in spite of the limitations of all expenditures to the barest necessities these institutions are being forced into debt to provide each summer for the thousands of young men and women who come for training.

CLASS B NORMAL SCHOOL AT DAPHNE

The plant of the Daphne Normal School is very poorly suited for such an institution. An abandoned courthouse and jail constitute the buildings available for its use. The president stated that 48 normal school students were in attendance. The committee has come to the conclusion that the operation of a normal school at this point is not practicable or feasible. The fact that there are insufficient facilities for training school purposes would make it unwise for the State to invest money in a normal school in an inaccessible location like Daphne. Since the present school is doing little more than high school work it is the judgment of this committee that the normal school work at this institution be abolished. Persons desiring to teach who live in this section of the State find it convenient to attend other normal schools already well established and doing successful work. To continue to invest funds for a teacher training institution in an isolated location such as Daphne is, in the judgment of this committee, nothing less than a dissipation of the State's resources which are in sore need of conservation in order to meet the pressing claims of other institutions more firmly established and more fortunate in location.

THE NORMAL SCHOOL FOR NEGROES LOCATED AT MONTGOMERY

The location of the Normal School for Negroes at Montgomery appears to be very fortunate indeed. It is in the center of the colored population of the State and in a community deeply concerned in the success of the right kind of negro education. This institution has an enrollment of 762 for the current year and for the summer session of 1922, 670. The extension service of this school during the past year reached 644 teachers. The regular normal school department of this school has just recently been organized, while the work in the senior high school in which teacher training instruction is given has been adjusted so as to give the most serviceable training to students who are to teach in the negro schools of the State. No greater evidence of the service of this institution can be found than in the fact that it has enrolled students from 56 counties of the State, representing practically every county in which there is a considerable negro population. The plant at this institution is entirely inadequate, inasmuch as this school must serve all the negroes of the State, who represent about two-fifths of the population. Classes are much more crowded than in the white normal schools. The teachers have heavy loads as instructors, making impossible satisfactory daily preparation. Laboratory and library facilities are almost non-existent. While a new dormitory for girls has been provided the school is in sore need of additional boarding facilities. The problem of providing for this institution is one which has to be faced by the present Legislature if this type of educational service to the negroes is to be developed and maintained.

CHAPTER IV

INSTITUTIONS OF HIGHER LEARNING

The matter of providing adequately for the higher education of the youth of the State has been more carefully considered in the past few years perhaps than at any other period during the history. The rapid increase in

attendance at the University and at the Alabama Polytechnic Institute has brought to every thinking citizen of the State the crying needs of these institutions. Since it was brought out in the hearings at the Alabama Technical Institute and College for Women that many hundreds of girls are being forced to leave the State in order to have the opportunity for higher education, it behooves every patriotic citizen to be deeply concerned about the facilities for educating young women.

The authorities of these institutions are to be commended for their efforts to provide opportunity for worthy boys and girls to earn funds with which to defray their expenses while attending school. It was brought out in the hearings that hundreds of young men and young women students are dependent upon their own resources. Advantage is taken of every worthy means of earning money by these aspiring young people. The State can well afford to make an investment in the development of this practically unlimited supply of potential energy which should be released for the upbuilding of our commonwealth.

The drives for funds for the University and Auburn were not only of value to the institutions in the amounts pledged but the information which was given to the public through the press and at the numerous gatherings as well as by personal interviews has brought about a fuller recognition on the part of the people of their responsibility for providing educational opportunity for the thousands of ambitious boys and girls who aspire to places of leadership in the affairs of our own State and nation. A failure to recognize and to provide adequately for this type of education will make it necessary for many of them to leave their own state for life preparation, while for a large number it will mean the closing of the door of opportunity if the State fails in the crisis which in reality exists at the present time. Other states will send the products of their institutions into Alabama to assume places of leadership in business, professional and commercial affairs.

We have been told over and over again of the boundless natural resources of our State, of its strategic position for present and future development of manufacturing enterprises, of the high and splendid quality and character of its citizenship. All of these potential advantages will not enable the State to take and maintain its place in the vanguard of progress unless the citizenship supports an adequate program of education for the boys and girls of today who are to be the men and women of tomorrow—a school system which lays the necessary foundation in the elementary grades and continues with ever broadening opportunities for culture and vocational preparation through the secondary schools with full and generous provision for academic and professional courses in the State-supported institutions of higher learning.

UNIVERSITY OF ALABAMA

The committee visited this institution and had the opportunity of looking over the plant and equipment and to note the general character of the service being rendered the State. In the hearings held it was brought out that the support of the institution ~~came from State appropriations and from~~ the interest on endowment funds, together with the small appropriation from the General Education Board to supplement the salaries of teacher. For several years the institution has been co-operating with the Federal Veterans' Bureau, assisting in the rehabilitation of the veterans disabled while in the service of their country in the World War. The amount of funds from this source, however, is diminishing and the president stated it would soon become a serious financial burden to the institution to carry on the work unless means were taken to increase the number assigned for training. The dormitory facilities of the University are inadequate. There are probably less than half enough classrooms, laboratories and library facilities. In many classes the number is so large as to make it necessary for pupils to sit in the windows. The average size class was reported to be more than

fifty. Such conditions as this make practically impossible anything like satisfactory classroom instruction.

What is of even graver and more serious concern is the fact that a very large percentage of these classes is taught by immature instructors and assistants who have had no experience and only the most meager preparation. The first and most important prerequisite for success in any institution for the training of youth is well qualified teachers. Many limitations in the way of equipment and facilities generally may be overcome, provided the students have an opportunity to be instructed by a real teacher who is a scholar and a student and who is master of the subject he presents.

It would seem, therefore, that the first need to be met would be providing a more mature and better trained group of instructors. This is not said with any idea of discounting the splendid training and professional equipment of the professors who are employed in the University. It applies to the many assistants who, on account of the large enrollment, are employed in order to meet even in this unsatisfactory way the demands made upon this institution by the people for the training of their sons and daughters.

ALABAMA POLYTECHNIC INSTITUTE

This institution, located at Auburn, has even less in the way of physical plant than the University. While the buildings were in as good condition as it is possible to maintain them, the best interests of the State in a number of instances would be well conserved if certain of the buildings could be abandoned or replaced with modern up-to-date structures. The support of this institution is largely from the State, supplemented by Federal grants. The extension service of this institution is separate and apart from the college proper and is not provided for by the same appropriation. The Smith-Lever Act provides Federal funds for the extension service, which must be matched by approximately an equal amount from the State treasury. This institution also has an appropriation from the General Education Board for the supplementing of teachers' salaries, which is discontinued July 1st.

The committee found the classes crowded, lack of classroom and laboratory facilities, and perhaps the greatest of all, a lack of dormitory facilities. The increased demand upon this institution made for providing educational training for young men and young women has brought to it many more students than can be properly instructed by the regular professors. It has, therefore, been found necessary to employ young and immature persons to fill positions as assistants and instructors, etc. The work of the institution cannot, in the circumstances, be up to the high standard which should be maintained in the institutions of higher learning of the State. What has been said in reference to the University is equally true of this institution. While its lack of physical plant is appalling the first consideration should be given to the matter of providing a better trained faculty. It is unnecessary to repeat that this criticism does not apply to the large number of professors who have contributed and still are contributing so much to the success of this institution.

ALABAMA TECHNICAL INSTITUTE AND COLLEGE FOR WOMEN

This institution, located at Montevallo, while not crowded still was practically running at full capacity. There were over 400 students enrolled with a small percentage of these in the high school department. This institution has since its establishment been operated as a junior college until recent years. At present it is in the transition period and it is proposed at its next session to go on the full four-year college basis. In addition to this it is proposed to continue some five or six two-year courses for which diplomas will be granted. The president stated that the greatest need of the institution at the present time was a more adequately trained faculty. This he regarded as absolutely essential to the success of the four-year college program.

There appears to be a definite demand for a woman's college in the State and this the board of trustees of the Montevallo institution has proposed to provide. It should be borne in mind, however, that one of the fundamental purposes which prompted the establishment of this institution was the training along practical lines of the many hundreds of young women of the State who find it necessary to earn a living. Particular stress, therefore, should always be given to courses of this character. There is a demand for an increased appropriation for the organization of home-making courses in the various schools of the State for girls and women. If a sufficient number of teachers for these courses are to be provided without leaving our State to secure them it will be necessary to give special emphasis to the training of young women for this purpose in this institution. No doubt the board of trustees and authorities recognize this increasing demand for trained workers in this field which, it appears at present, is much greater than this institution is able to supply. Proper recognition of the needs of this institution will call for enlarged facilities, new dormitories, classrooms and laboratories, etc. However, if this institution is to be supported as a four-year college then all courses which are equivalent or a duplication of courses already offered in other State-supported schools should be eliminated.

GENERAL

The three institutions of higher learning which have been already discussed in the foregoing paragraphs represent in a way the State's investment for future leadership in its own sons and daughters. Numerous matters relating to higher education have been brought to the attention of the committee, but taking it as a whole no serious criticism can be placed against the administration of these institutions. The presidents of the University and Auburn both feel that extreme care should be taken in preventing athletics from overshadowing the real purposes and diverting the activities of large groups of students from the regular work of the classroom. However, when kept within proper bounds a wholesome interest in athletics is not only to be approved but is undoubtedly essential to the maintenance of proper morale in large bodies of young men students. This appears to be almost equally true in institutions for young women. One of the greatest responsibilities of the authorities in charge of educational institutions is to maintain a proper balance between the regular activities of the school and the outside interests. The institution that attempts to eliminate the outside interests simply drives away young men and young women who, while anxious to secure a college education, do not believe that to do so it is necessary to eliminate all contact with the outside world. Therefore, in all the institutions named lecture courses, athletic organizations, glee clubs, dramatic and literary societies, student publications, Y. M. C. A. and Y. W. C. A. organizations are recognized and encouraged. All of these activities are carried on under proper supervision of the faculty and at no expense to the State. As long as these outside interests are kept within proper bounds they are helpful and essential and contribute no small part to the education of these young men and women.

In order to meet the demands on these institutions for increased facilities it will be necessary to provide a much larger amount for operation and maintenance and at the same time a still larger provision for additions to the physical plants in the way of dormitories, administration building, classrooms, laboratories, libraries—in fact, all that a modern school plant demands.

AGRICULTURAL AND MECHANICAL INSTITUTE FOR NEGROES AT NORMAL

This school is considered under the head of higher institutions because it shares with the Alabama Polytechnic Institute in the Federal appropriations for land-grant colleges. The State has maintained this school for a number of years and has endeavored to provide training for intelligent ne-

groes in the field of agriculture, home economics and the trades. At present it maintains classes only through the junior college but the large majority of the students are in the junior and senior high school grades. This institution seems to be emerging from an enormous indebtedness and if properly supported will undoubtedly afford suitable preparation for negro boys and girls who are worthy of training for leadership of their own race. The buildings at this institution are perhaps in the most dilapidated condition of any under the control of the State. It is undoubtedly unwise and a serious danger to permit their continued use without improvements which would at least lessen the present alarming fire risk. This is particularly true of the building used as a dormitory for the girls. A proper development of this institution will necessitate the purchasing of additional farm lands. The importance of emphasizing agricultural training is a matter which the committee feels deserves careful consideration. The work in the shops appeared to be commendable and the classes in the home-making courses had interesting exhibits. The development of this institution is a matter which may well receive the careful consideration of the Legislature.

CHAPTER V

SPECIAL TYPES OF SCHOOLS—

STATE INSTITUTIONS AT TALLADEGA, ALABAMA

The committee visited Talladega for the purpose of viewing the physical plants and observing the work of the State institutions for the deaf, dumb and blind located at that place. It is desired to stress the fact that these institutions are not eleemosynary in character but schools for the training of defective children.

The time allotted for an inspection of the three schools was entirely too limited to afford opportunity for a careful survey of conditions. However, the physical plants, equipment and general conditions under which the work is being done were brought to the attention of and carefully noted by the committee.

INSTITUTION FOR THE DEAF

The enrollment of this institution is 216, which is an increase of 33 1/3% over the enrollment at the time the last special appropriation was made to the school. This increase in attendance has been made without extra effort on the part of the institute authorities.

Casual observation convinces one that all available space in the school building is now in use. Rooms formerly used for manual arts, as store room, and for chapel purposes are now being used as classrooms. The crowded condition of the institution makes this necessary. The dining room is badly over-crowded and, according to a report made to the committee, the girls' dormitory is taxed beyond its capacity. Many single beds are now accommodating two girls.

The absolute need for additional teaching force without additional funds to pay the salaries of teachers has necessitated the discontinuance of instruction in manual arts to the boys. Such instruction is, however, essential to the vocational training of many deaf boys and a way should be devised by which such instruction can be again incorporated in the school's program of training.

On inquiry it was learned that the training given the girls is limited to instruction in sewing, the girls being deprived of training along other lines. This condition due to a lack of funds should be speedily remedied. The committee was surprised to find that the girls in this institution have no opportunity to learn domestic science. Funds are not available for employing teachers qualified to give the necessary courses. Then, too, the school, according to the report of the authorities, has not sufficient funds with which to purchase the necessary supplies and equipment for such institution.

Believing that the State should do everything possible to care for and enable its handicapped children to become self-supporting, the committee suggests the following:

(a) Increased per capita appropriation to meet the increased cost of living of enrolled children.

(b) The construction of needed buildings and the purchase of such equipment as is necessary to give more thorough training in a larger number of vocational branches.

ACADEMY OF THE BLIND

The time spent at this institution, though limited, was very interesting. The committee was fortunate enough to see the student body at chapel where an enjoyable musical program was given. The children gave evidence of thorough musical training and showed intense interest in the entire program.

The methods employed in teaching the boys the use of tools in the manual training department excited considerable interest on the part of the committee. The pupils seemed to be deeply interested in the work, specimens of which were on exhibition. The demonstrations given by them convinced those present that the State is endeavoring to meet in a practical way her responsibility to her blind children.

A report on the work of the Academy which was presented embraces a definite statement showing the institution's needs. It is evident that the increased appropriations asked for maintenance and the additional funds requested for building, equipment and for teachers' salaries are urgent at this time.

ALABAMA SCHOOL FOR NEGRO DEAF, MUTE, AND BLIND

Fifty-eight pupils are enrolled in this institution which is located about one mile from the site of the schools for white children.

Dormitory facilities are bad, the building being poorly ventilated and without fire escapes. Due to the inadequate provisions the white superintendent and his family are forced to live in this building with the negroes. The authorities seem to be doing everything possible to advance the handicapped negro children in their efforts to secure training. The conditions under which they are being trained, however, are not altogether acceptable.

Better housing conditions, made safe against danger from the destructive effects of fire, is the committee's chief recommendation. It believes that the State's first obligation to those whom it has assembled for instruction is to see that every possible precaution is taken to provide healthful living quarters and to protect their lives.

ALABAMA BOYS' INDUSTRIAL SCHOOL

The plant consists of 230 acres of land and about a half dozen buildings. Among the buildings are a new chapel and a new gymnasium. The hospital is an old, out-of-date wooden structure and although not suitably constructed for hospital purposes has been so arranged that it is answering the purpose about as well as any poor substitute could.

Approximately 400 boys are enrolled in the institution. The general morale of the student body is all that could be expected. In this connection it has come to the attention of the committee that boys under ten years of age are admitted to this institution. This should be discontinued and provision made for children of this tender age through some other agency.

The day of the visit afforded an inspiring sight. A large number of boys were busily engaged in carrying on the outside work of the institution. Practically all such work is done by the pupils. They operate the laundry; work in the printing office; make furniture for use in the school; make clothing; repair shoes; and do all kinds of farm labor. A number of boys were seen digging ditches; two were operating a linotype machine; one 13 year old boy was operating a Fordson tractor, and still others were doing various jobs on the farm.

Only six teachers are employed for classroom instruction. This means that the average number of boys to the teacher is 67, which is twice the number recommended for thorough work. The boys as a whole take interest

in their class work and are to be commended for the spirit with which they discharge their duties.

ALABAMA VOCATIONAL SCHOOL FOR GIRLS

This institution is located at Woodlawn, Alabama, and is managed by a local board of directors. The purpose of its founders was to give vocational training to worthy girls of good character who would not otherwise have had a chance to get such training.

The school's enrollment numbers 32. It is housed in a new building on a five-acre tract of land and is taught by two teachers, the course of study embracing only elementary grades. There is no equipment for vocational work. The girls get training in cooking, sewing, housekeeping, and gardening by doing the work of the school home.

According to a statement of the board of directors, the school has had a history of useful service covering a period of 30 years. Many girls have gone from this institution into home life and employment in the commercial world and are now contributing to the upbuilding of the State.

Under an Act of the Legislature of Alabama, approved September 30, 1919, the name of the institution was changed from Mercy Home Industrial School for Girls to Alabama Vocational School for Girls and an annual appropriation of \$6,320.00 was made for its support, maintenance and improvement. The committee's observation leads to the conclusion that the work of the school is restricted because of lack of buildings and maintenance funds, and since it was established for the purpose of giving vocational training and there is no equipment whatsoever owned by the school for that purpose, it is evident that the institution cannot possibly measure up to the responsibility it has assumed.

During hearings a committee made an appeal in behalf of the institution. The substance of their appeal was to the effect that the State take over the school, retain the present board of directors as managers, make an appropriation of \$150,000.00 to be used for purchasing additional land, constructing buildings, and buying equipment, and in addition make a monthly appropriation of \$25.00 for the maintenance of each girl enrolled. The committee from the board of directors estimated that the institution would finally take care of 200 girls. However, that number would not be expected to enroll for several years.

While the committee has only commendation for the splendid service of this institution, it cannot see its way clear to recommend that the State take over this institution or that increased appropriations be made therefor.

STATE TRAINING SCHOOL FOR GIRLS

The physical plant of this school consisting of four cottages, a school building, and a hospital is located on a tract of land of 22 acres about five miles from the center of the city of Birmingham.

The buildings are all new, modern and well equipped. Under an Act of the Legislature, approved October 30, 1919, an appropriation of \$50,000.00 was made to this institution for the erection of buildings, purchase of land, and making the necessary improvements. An Act approved by the Legislature October 2, 1920, provided for the removal of the State Training School for Girls from its location at that time to a site better suited to the purpose for which it was established. Authority for the removal of the school was vested in the State Board of Control and Economy with the approval of the Governor. The new buildings were constructed for a capacity of 112 girls. There are now 144 enrolled. The building originally intended for a laundry is being used for dormitory purposes, and, according to the superintendent, it must be so used until additional cottages are constructed.

The personnel of the faculty consists of the superintendent, seven matrons, three teachers and a nurse. A monthly allowance of \$25.00 is made the school for the maintenance of each girl.

The institution is in need of at least two more cottages, an administration building and additional land. These needs are urgent and should have the careful consideration of the Legislature. The visit to the school impressed the committee very favorably with the importance of the work being done as a means of offering training to girls who need consideration at an age when such training will accomplish the greatest amount of good in shaping their future careers.

ALABAMA REFORM SCHOOL FOR NEGRO LAW BREAKERS

The committee did not make an inspection of this institution. In order that the members of the Legislature may know something of the purposes for which this school was established, how it is governed, and what support it receives, a general statement bearing thereon is submitted. The school is located at Mt. Meigs, Montgomery county. It is governed and controlled by a board of trustees, composed of the Governor, State Superintendent of Education and seven others.

It was established and is conducted for the proper education and training of juvenile negro law breakers, lawfully committed to it. The course of instruction includes common school education with training in agriculture and industries, special stress being placed on manual training in an effort to make self-respecting, industrious, good citizens of the boys committed thereto. No criminal over 15 years of age is admitted to the institution. The title to the school property, consisting of 20 acres and several buildings, was originally vested in the "State Federation of Colored Women's Clubs." The board of trustees has bought additional land and constructed such buildings as were needed.

The per capita appropriation for the support and maintenance of the school is \$10.00 for each person confined. The school receives an additional annual appropriation out of the State treasury amounting to \$3,720.00. This amount is spent under the direction of the board of trustees. The earnings and any other revenue or donations are likewise expended for purposes that the board of trustees may deem proper. The committee recommends the continued support of this institution.

ALABAMA SCHOOL OF TRADES AND INDUSTRIES

The School Code approved September 20, 1919, provides for the establishment of the Alabama School of Trades and Industries at Ragland, Alabama. The purpose of the institution is the education and training of white boys and young men in all the useful and industrial occupations and in the arts and sciences, and to enable the students to acquire education and training by employing a part or portion of their time while in school to pay all or part of their board and tuition.

The Act authorizing the establishment of the school provides for the appointment of five trustees to serve until September 30, 1923, at which time entire management and control of the school shall be vested in the State Board of Education. The board of trustees was duly appointed by the Governor, met, organized and projected plans to raise \$30,000.00 for building purposes, it being required under the Act that that amount shall be raised before the State appropriation of a like amount is available to the school. Early in January the Governor was notified that the full amount had been raised. He immediately released the State appropriation of \$30,000.00 and the trustees made plans to begin the erection of buildings on a plot of ground of more than one hundred acres, located near the town of Ragland. Building has not yet been begun and the school is not in operation. It was the desire of the board of trustees that the school be organized in order that the work of constructing the building might be done by the students. It developed that the maintenance of \$5,000.00 could not be made available until the buildings were constructed and ready for teaching purposes.

In projecting the building plans, the trustees found that it would be impossible to construct a minimum plant with the \$60,000.00 available and that a school of trades could not be maintained with the limited maintenance fund of \$5,000.00. It was, therefore, deemed advisable by the trustees that the further need of funds be presented to the Legislature with the request that additional appropriation be made which would enable the board to make effective the real purposes of the Act authorizing the creation of the school.

It was pointed out that the minimum plant to do successful work is a dormitory, administration building, and a work shop, together with the necessary equipment for each. It was estimated that it will take \$100,000.00 to supply the needs. The board of trustees has to its credit \$60,000.00 at this time for building purposes. An addition of \$40,000.00 would be required for building and equipment purposes.

The attention of the committee was further called to the fact that a maintenance fund of \$12,400.00 is needed for the operation of the school the first year, that it will require \$15,000.00 for such purposes the second year, \$20,000.00 the third year, and \$25,000.00 for each year thereafter. The request of the trustees is that the school be given an additional appropriation of \$40,000.00 for building purposes and that an annual maintenance fund amounting to \$73,500.00 for the next quadrennium be appropriated as stated above in lieu of the \$20,000.00 already provided for. The committee is convinced that whether or not any additional appropriation is made to the school for building purposes it will be very difficult for the institution to maintain a school of trades without an increased annual appropriation for maintenance.

CAMP HILL INDUSTRIAL INSTITUTE

A committee of Tallapoosa county citizens brought to the attention of your committee the work of the Camp Hill Industrial Institute. Information was given to the effect that a former Legislature had given official recognition to the school by making a limited appropriation. It was stated that efforts are now being made to raise \$1,000,000.00 by private subscription and that it was the desire of the petitioners that the Legislature of Alabama should make a donation to the fund, thereby influencing other donors.

BIRMINGHAM ASSOCIATION FOR THE BLIND

The Birmingham Association for the Blind presented in a very interesting manner the efforts being put forth in Birmingham to train and give employment to blind persons of both sexes of that city and district. The funds thus far used in such training have been raised in Birmingham from private subscriptions, membership fees, and proceeds from tag days held for raising funds.

The city board of education of Birmingham has given the Association the use of a cottage in which instruction is being given blind white persons, and the negro blind are being taught in a building furnished for that purpose by interested persons. However, within a short time training quarters will no longer be available.

Attention was called to the fact that the Federal census gives Alabama 1,200 blind persons. Two hundred of these live in Jefferson county. At present the Birmingham workshops are the only institutions that offer training to adult persons, the Talladega institution admitting only persons under twenty-one years of age. A request was made that a State institution for the training of blind persons with workshop attached be established at Birmingham for the training and employment of blind persons in Alabama. It was stated that the Blind Association would provide a lot to be used for building purposes and the annual salary of one person, a legislative appropriation of \$25,000.00 for building purposes and a per capita maintenance fund being requested of the Legislature.

CHAPTER VI

STATE DEPARTMENT OF EDUCATION

The committee has availed itself of the vast amount of information which has been brought together by the State Department of Education in the performance of its duties under the State Board of Education. A rather exhaustive study has been made of the activities of this Department. A careful inquiry among the various educational people of the State, as well as among the citizens generally, reveals the fact that the services of the Department are regarded as constructive, definite and essential to the progress of education. In an organization as large as the Department it is natural that some misunderstandings and occasional complaints are registered, but taking the services of this Department by and large there is every reason for the conclusion that the returns to the State for the investment in this type of general control is valuable and that the continued success of the program of education, which has meant so much in the way of definite progress during the past decade, is dependent upon the intelligent, sympathetic and wise co-ordination of all the educational activities through such an organization as the State Department of Education.

The committee examined into the organization of the Department and called before it the State Superintendent of Education and the various members of his staff. The service of this Department is organized at present under ten different heads or divisions, each division being responsible for a special type of work assigned under the law. The divisions organized are as follows: Executive and Business Management; Teacher Training; Certification and Placement; Statistics; Rural Education; Elementary Education; Secondary Education; Vocational Education; Physical and Health Education; Exceptional Education; School and Community Betterment. Careful scrutiny was made of the work of each of the divisions named. The committee was furnished with an extensive report setting out the duties and the character of work performed by each division.

The Department of Education through its responsibility for general control has to do with all expenditures for public education, including the elementary, secondary and normal schools. For the year just closing the total amount involved represents an expenditure of more than \$14,000,000.

In addition to the responsibility for the general control of all educational expenditures of public funds the Department handles numerous other benevolent funds which are made available for various interested persons and foundations. The General Educational Board of New York is responsible for the salaries of six members of the Departmental Staff, including the traveling expenses of these members. In addition to this the General Education Board makes appropriations for the negro training schools of the State and the summer schools for negro teachers, as well as appropriations for equipment. The Rosenwald Fund is provided by Mr. Julius Rosenwald to assist in the erection of negro school buildings. More than \$25,000 a year is provided for this purpose. In order that this work may be promoted this Fund also provides for half the salary and expenses of a negro field worker employed by the State Board of Education who gives his time to promoting building projects in negro communities and in assisting in the training of negro school teachers. The Department is also responsible for the administering of the *Jeanes and Slater Funds*. The *Jeanes Fund* is used to provide negro supervisors in the counties that have a large negro population. The *Slater Fund* is used to aid in the support of the county training schools. Another important aid which has meant more than the mere dollars and cents contributed has been the fund furnished by the various women's clubs of the State for promoting the work among adult illiterates. The largest fund administered by the Department is made available through the *Smith-Hughes and Smith-Bankhead* Federal appropriations for vocational education. This fund is available to the several states in the Union when matched

by a like amount from the State treasury. It was found that half the salary and half the traveling expenses of nine other members of the Department's staff are paid out of Federal appropriations. The employment of these members of the Department is a prerequisite to securing Federal funds. The members of this particular group are engaged in the work of carrying on the vocational training of many thousand boys and girls in vocational classes throughout the State. The rehabilitation of men and women disabled in industry or otherwise is also a service performed in co-operation with the Federal authorities.

DIVISION OF EXECUTIVE AND BUSINESS MANAGEMENT

The Division of Executive and Business Management is responsible for the records of the Department of Education and the proper checking of all expenditures for educational purposes throughout the State. Apportionment of the funds to the several counties of the State, and the drawing of requisitions authorized by the various legislative appropriations for educational purposes are functions of this division. Although the expenditures for educational purposes along all lines have been more than doubled in the past decade the clerical staff of this division has not been increased. The work of this division is very heavy at the present time.

TEACHER TRAINING, CERTIFICATION AND PLACEMENT

The committee had occasion to investigate the work of teacher-training in the normal schools and in a less definite way in the other institutions of the State. There seemed to be a general approval of the program of teacher training in the State at the present time. While the system in vogue permits many low grade teachers to offer instruction in the public schools of the State it is undoubtedly necessary to continue this plan in order that the public schools may be operated. The reports submitted by the Department show that during the year following the war nearly 2,000 emergency provisional certificates were issued, while during the past year less than 500 certificates of this character were used.

The committee feels that the present method of co-ordinating the work of teacher-training through the Department of Education is highly essential to the success of a State-wide program. This co-ordination should comprehend all phases of this work—preparation in normal schools and institutions of higher learning, extension service, professional reading courses, supervision of instruction and county institutes. The committee recommends for serious consideration to all school authorities the importance of eliminating as rapidly as conditions permit the appointment of inexperienced, low grade teachers who in many cases have very little beyond elementary school education and who have not had opportunity of making any preparation for the very important work of the school room.

DIVISION OF STATISTICS

The work of this division centers around the assembling and interpreting of educational statistics. Under the law, record forms, blanks and all systems of school accounting used in the State Department of Education, counties and cities and in all institutions under the State Board of Education are prepared or approved by this division. The handling of matters for publicity and the editing of bulletins are important duties of the statistician. The committee regards this type of service of very great importance to the work of education and believes that the proper handling of all matters assigned to this division, particularly that which pertains to giving to the public full and accurate information, will mean a better understanding on the part of the general public and an increased appreciation of the tremendous task which rests upon the State Board of Education in its work of promoting interest in and the continued support of progressive educational practices and measures.

DIVISION OF RURAL EDUCATION

This Division is responsible for the rural schoolhouse building program. It also aids counties, cities and district authorities in local tax elections. Considerable attention and time appears to be given to the promotion of consolidation and transportation projects. It was shown that the cost of providing plans and specifications and supervising the construction of rural school buildings during the past three years has been slightly less than one per cent of the total amount expended for these purposes. This policy has resulted in more excellent buildings, thoroughly modern and constructed in accordance with plans and specifications which are in keeping with present-day educational demands. The expenditures for rural schoolhouse construction represent one of the finest examples of efficiency in the handling of funds for the improvement of educational conditions. The work of the Department in co-operation with the county superintendents of education and the building committees in the various communities of the State merits cordial approval and continued support.

There is a rapidly growing sentiment in favor of consolidated schools in the rural sections of the State. Such schools offer many advantages in efficiency and in organization not possible under the old system. The development of consolidated schools appears to be especially rapid when good roads are found; in fact, the growth and interest in the development of schools appear to go hand in hand with improvement of the roads.

The report furnished by the Department shows some very interesting facts on rural school consolidation.

A COMPARATIVE STUDY OF CONSOLIDATION OF SCHOOLS

	Consolidated Schools.	Small Schools Displaced by Consolidation.
Number of consolidated schools.....	219	598
Cost of building.....	\$2,758,278	\$261,060
Cost of equipment.....	\$424,437	\$50,320
Number of teachers with two years or more college training	519	72
Number of teachers with two years professional training	541	88
Length of service of teachers (in months).....	14.5	8.3
Number of recitations per teacher.....	11	25.5
Salary	\$88	\$62.50
Enrollment	39,701	19,449
Per cent of daily attendance.....	79	62
Average length of term (in months).....	7.6	6.3
Pupils enrolled in high school grades.....	7,045	2,009

DIVISION OF ELEMENTARY EDUCATION

This division is administered under the general direction of the Division of Teacher Training, on account of the close relationship between supervision of instruction and the training of teachers. The Department has a very definite program of training teachers in service which has taken the form of supervision of instruction in counties where supervisors have been employed. Any plan or program which makes possible the improvement of the classroom work in the schools of the State should have the endorsement and constant support of all educational authorities. Elementary, city and rural schools have a common program, using the same textbooks. This is in accord with the best practice throughout the country, since it is a generally accepted principle that only the fundamentals may be offered in the elementary schools, and these subjects are as essential in one section of the country as in another. In order that this program may be presented in the most intelligent manner for use by the teachers in the public schools of

the State it is necessary to have a great deal of attention given to the preparation of material for use by the teachers in the elementary grades. This service is in co-operation with the teacher-training division of the Department. Combined with this is the responsibility of assisting teachers in elementary schools throughout the State to make proper use of all materials provided, and this is being carried on at present in a most effective way through the county superintendents and the elementary supervisors of instruction employed in the several counties of the State.

DIVISION OF SECONDARY EDUCATION

The service of this division is outlined as follows:

1. The organization of high schools for more effective instruction.
2. The improvement of business administration of high schools.
3. The development and organization of junior high schools.
4. Study of the relation of high schools to the elementary schools on one hand and to the colleges on the other.
5. The accreditation of high schools.

In every phase of this service the high school supervisors have reported much progress. The rapid growth in high school attendance has been stimulated by the activities of the Department through this division. The improvement of the work of instruction in the high schools is no less important than any other phase of educational service. After all the instruction is the big thing in education to which all other elements are subordinate and valuable only in that they contribute to the success and efficiency in this field. A steady and commendable increase in the number of college graduates engaged in high school work is reported.

For a number of years it has been realized that there was a bad break between the elementary school and the ordinary high school, and it came at the most critical time in the child's life. This division is trying, through the junior high school, to overcome this difficulty by providing opportunity for the child to find his predilections and aptitudes, and thereby give more definite direction to his future educational efforts.

Perhaps the most rapid growth in any phase of education in the next few years will be in the high school field. More pupils will be completing the elementary grades as longer terms are provided. This will create an increasing demand for high school accommodations. The already crowded conditions will be further congested unless definite provisions are made for increasing very rapidly the present high school facilities.

DIVISION OF PHYSICAL AND HEALTH EDUCATION

The work of physical education has for its purpose the setting up and promoting of a definite program of physical and health education. This program provides for proper physical training for the children throughout the elementary, junior and senior high school courses. An intelligent presentation of the program is important. Physical examination of children by the county health authorities is an important part of the health education program. Since a proper respect for and an appreciation of health is important personally and from a community point of view, it is the opinion of the committee that this service should be promoted and given a more definite place in the instruction of children in all classes of public schools. Care should be taken to prevent it from degenerating into the support of a quasi professional form of athletics in our high schools and colleges. It should mean a study and a practice of all the habits and activities that will function in good health and physical fitness on the part of all the children in the schools of the State.

VOCATIONAL EDUCATION

The committee hearings developed the fact that the people of the State consider vocational training as being one of the most important educational services now provided. This type of training is comparatively new. Very little definite progress had been made before the passage of the Smith-

Hughes Federal Vocational Act, which made available for this character of training an appropriation from the Federal treasury. This appropriation was very small in the beginning but increases each year until 1926, when the amount available for the State of Alabama will reach a total of \$157,-928.45. The present amount available is something over \$100,000. All Federal appropriations must be matched dollar for dollar by state appropriations. In carrying on this work the State Board of Education has prepared a State plan which is approved by the Federal Board for Vocational Education. The following table will show the rapid growth in this work since its beginning in 1917.

GENERAL SUMMARY, DEPARTMENTS AND CLASSES—FEDERAL AND STATE
VOCATIONAL EDUCATION ACTS

Year Ending June 30	1918	1919	1920	1921	1922	1923
Agriculture:						
Departments	13	26	37	51	66	90
Enrollment	241	405	765	1,042	1,662	2,052
Home Economics:						
Departments	1	3	9	27	35	44
Enrollment	14	49	285	943	1,187	1,259
Trades and Industries:						
Departments	9	18	37	50	76	92
Enrollment	195	288	846	1,050	1,457	1,625
Teacher-Training:						
Departments	5	5	6	7	8	11
Enrollment	115	157	310	391	450	475
Total:						
Departments	29	52	89	135	185	237
Enrollment	548	899	2,206	3,426	4,756	5,411
Total number teachers employed 1922-23.....						196
Total departments and classes.....						245
Total enrollment						5,411

It was brought to the attention of the committee that no provision was made for instruction in home making courses for girls. It was shown that this important phase of vocational education for young women should be neglected no longer. In order to secure the proposed Federal appropriation for this purpose and to continue the development of the work until it is made available it will be necessary to make an appropriation in an amount which will eventually equal that made for the vocational agricultural training of boys. The committee is in thorough accord with this proposition.

In the matter of training men and women disabled in industry or otherwise the report of the Department would indicate a serious handicap in the lack of maintenance funds. The Federal appropriation to Alabama which amounts to \$22,305.56 is conditioned upon an equal amount from the State.

In order to make possible the further development of this work it seems that it would be wise to make \$5,000 of the State appropriation available for maintenance purposes and that a special appropriation of at least \$5,000 be made for the same purpose. No type of service which the State is rendering is more worthy than the rehabilitation of men and women disabled in industry or otherwise. A man who is incapacitated through accident, the loss of a leg, hand or an eye, which prevents him from continuing his usual vocation often becomes a burden to society. It is only the exceptional person who rises above such a handicap. But with a definite program for immediately handling cases of this character the person usually retains his self-respect, acquires the knowledge of a different occupation and thus continues to be an independent member of society capable of providing for his own needs through his own labor, a consideration of the greatest importance

in a democracy like ours. The State may well continue and increase its efforts to provide this type of service which, after all, is an economic investment of the people's money.

EXCEPTIONAL EDUCATION

For more than ten years through private and public support efforts have been made to remove illiteracy from every section of the State. A study of the census report shows that no small measure of success has crowned the efforts of the interested citizens and educational authorities who have been promoting this program. The removal of illiteracy is only one element of exceptional education which is handled through this division. The need of caring for the feeble-minded in various communities is certainly worthy of careful consideration, and to this end an appropriation has been recommended by various organizations for this purpose. The greatest service which exceptional education has had is not perhaps in the training of the 18,000 or more illiterates during the past three years but it is through the by-products that the greatest contribution to the communities has been made. The by-products have been an educational awakening on the part of the communities where these adult schools have been held, a desire for better school buildings, a willingness to be taxed therefor, a growing improvement in living conditions and more interest in health and sanitation both at home and in communities, a more wholesome conception of the improvement of community life activities and a growing interest in the affairs of the State. For the promotion of this work, particularly in enlarging the service in the removal of adult illiteracy, there should be provided an increased appropriation to the end that Alabama may even at a belated hour do a fuller part by her sons and daughters who have grown to manhood and womanhood without the benefits and blessings which come from a knowledge of the barest fundamentals of an elementary education.

DIVISION OF SCHOOL AND COMMUNITY BETTERMENT

Under this division school and community organizations are fostered. At present there are more than 500 such organizations in the State, through which more than a million dollars annually is provided for the improvement of schools. No estimate can be made of their value to education. Every worthwhile movement for the betterment of schools as a rule has its inception in one of these school or community organizations. It is considered a very important and worthwhile service of the State to provide a trained worker who prepares programs and assists in planning the types of service which these many organizations render. The proper appreciation of the school on the part of the patrons and a clear conception on the part of the teachers of their duty to the community are elements of the greatest importance in the school and community organization. Parents and teachers meet and discuss common problems and arrive at a mutual understanding which results in better progress on the part of the children, more intelligent work on the part of the teacher and a fuller sympathy and co-operation on the part of the parents. These are matters of vital significance in any program of education in our State.

CHAPTER VII

SCHOOL LAWS

The committee has been agreeably surprised that so few proposed fundamental changes have been brought to its attention at the various hearings. It is not stating it too strongly to say that there seems to be an almost unanimous feeling on the part of teachers and educational authorities, as well as of the rank and file of the people generally, that very little legislation is needed at the present time on matters relating to the administration and operation of the public schools. This does not mean that the laws at present on the statute books are perfect and without certain weaknesses,

but on the whole the operation and administration of public schools under the present system of laws would appear to be progressing in a satisfactory manner to the vast majority of the people of the State.

The committee, therefore, in taking up the question of revising the laws, has endeavored to consider only those matters that appear to be in need of revision, or where it is essential that certain provisions be supplemented to the end that the legal machinery for controlling the administration of our schools may work more effectively and with the greatest opportunity of giving uniform and satisfactory service to all concerned.

STATE BOARD OF EDUCATION

The committee unqualifiedly endorses the principle of the State Board of Education with general powers of co-ordinating the work of education throughout the State. It is only through this agency that the Legislature can put into operation State-wide policies, and the Department of Education, which is under the control of the State Board of Education, can more effectively serve the needs of the schools when it has the counsel, judgment and direction of a board made up of men and women of recognized standing and ability, and who are well known for their service in civic and educational affairs of the State.

While there may be some objection to a large board, the committee believes that in order to insure an equitable distribution of responsibility, it would be wise to amend the law providing for a State board of education so that it will be composed of the present ex-officio members and one member from each of the congressional districts of the State. This recommendation is not made with any spirit of criticism of the present board.

COUNTY BOARD OF EDUCATION

The county board of education as at present constituted is sufficiently large and gives ample opportunity for full representation of all the different sections of the county. While this character of representation has been the rule in the vast majority of the counties, there has been some just cause for complaint that members of the county boards of education in certain counties have been selected from one or two communities, and on this account do not represent so fully as might be desired all sections of the county. The committee therefore recommends that the law governing the election of county boards of education be amended so that one member of the board shall be chosen from each commissioner's district or similar subdivision and one from the county at large, all members to be voted upon, however, by the qualified electors of the entire county. There is also sufficient justification for making it unlawful for a member of the board to accept employment from the board or to contract, sell or carry on business with the board directly or indirectly.

DISTRICT TRUSTEES

The committee believes that where the district trustees by majority desire to withhold approval of the appointment of any teacher it is unwise for such teacher to be employed in the schools of the district. Therefore, in order to carry out this suggestion, a change in the law is recommended to this effect.

MISCELLANEOUS

There are numerous other matters of varying importance which have been brought to the attention of the committee with suggested changes in the school law that might possibly be for the interest of the schools. The committee, however, does not feel that the vast majority of these are of sufficient importance to bring to the attention of the Legislature. This is not to be understood as meaning that the committee is opposed to any further revision of the School Code. It simply represents the mature judgment of the committee that it is unwise at this time, or at any time for that matter, to attempt too many changes in the administering machinery of any department of our government.

CHAPTER VIII

SUMMARY OF FINDINGS AND RECOMMENDATIONS—

I. ELEMENTARY EDUCATION

The rural school building program which has been made possible by appropriations beginning with the Legislature of 1911 has given more than 1,000 modern school buildings to the children of the country schools. This program should be continued and larger support provided for it. There is a demand for increased State-aid for the larger types of buildings, which should receive the careful consideration of the Legislature.

The average length of school term for the State has been gradually increased during the past five years. It is gratifying to know that this average has reached 141 days. It must be kept in mind, however, that the terms in by far the larger part of the country schools of the State are shorter than this average. The reports show that 45 counties have schools for less than seven months. Crowded conditions in the city, town and larger consolidated schools call for relief. It is therefore considered wise and just that a special fund be provided for the lengthening of the school terms in counties taking the maximum advantage of present available sources for the support of the schools, and that means be provided for greatly strengthening the character of service which is being rendered at present by the schools with longer terms.

A great waste of time and funds is due to the fact that such a large percentage of the children of school age are not enrolled and that a distressingly large percentage of those enrolled do not attend with any degree of regularity. Good business as well as simple justice to the children of the State demands that the attendance in our public schools should be raised to a much higher percentage of the school population. The administrative authorities in charge of the operation of the schools are responsible in a large measure for the improvement in regard to this important matter. It is believed that a more general enforcement of the present laws in regard to attendance will eliminate this criticism.

In order to profit by the increased support which may be provided for elementary education it is highly important that the teachers be afforded an opportunity to make preparation for the work of instructing the children. It is an unwise use of the taxpayer's money to employ untrained as well as inexperienced teachers. With the teacher-training institutions of the State operating throughout the year and extending their service to practically every county of the State through the organization of study centers for groups of teachers there is little reason for employing in teaching positions persons who are totally lacking in training for the work.

II. SECONDARY EDUCATION

The urgent need for additional funds to maintain county high schools which are attended by pupils from all sections of the county has been met by county boards of education from appropriations from the general funds which are needed to maintain rural, elementary and high schools. It is, therefore, deemed advisable that the conditional appropriation available for county high schools be made \$3,000 contingent on local appropriations of one dollar for every dollar paid to individual county high schools for school purposes. This will release part of the funds now appropriated by county boards for county high school purposes for use in extending the terms in rural schools.

General conditions of county high school buildings, all of which have been deeded to the State of Alabama, are such that the need of repairs and equipment justifies the recommendation that the rural school house fund be made available for the repair and equipment of county high schools under the same condition and for the same amount as in the case of rural school houses.

There is a great demand for high school education in rural districts. The large type schools now being established, where large numbers of boys and girls of high school age gather, furnish a difficult problem for county boards of education. It is, therefore, recommended that a liberal part of the proposed equalizing fund be set aside for the purpose of aiding in the establishment and operation of junior and senior high schools in the rural districts of the State.

The crowded conditions of the State secondary agricultural schools is a matter which demands immediate attention. The committee recommends that if an increased appropriation be provided for those institutions it be conditioned upon the community or county in which the school is located providing adequate dormitory facilities.

III. NORMAL SCHOOLS

The lack of facilities at all the State normal schools makes further development of these institutions impossible without relief. This applies to the whole physical plan, dormitories, laboratories, libraries and classrooms. These institutions are attempting to serve practically double the number for which they are equipped. The teaching stall is so limited as to make the service in many instances very unsatisfactory. Your committee, therefore, recommends that additional support be provided for the continued development and maintenance of these institutions. This is done in view of the well recognized fact that the success of the elementary schools of the State depends upon an improved and intelligently trained teaching force. The training of this force is the function of the normal schools.

IV. INSTITUTIONS OF HIGHER LEARNING

The increasing interest in higher education which has resulted in more than doubling the attendance in the State institutions during the past quadrennium has brought the people of our State face to face with a crisis. These institutions should be given immediate relief, which would provide for extensive building programs and annual amounts sufficient for maintenance and operating purposes, in keeping with the support given similar institutions in our neighboring states. The alternative is to allow the present crowded conditions to continue. The work of these institutions at the present time is unsatisfactory. The high schools are turning out an ever increasing number of graduates clamoring for higher educational opportunities. Those who are financially able to do so in the circumstances will go to other states that have been more generous in providing opportunities for college education. Many thousands of worthy boys and girls, however, who must depend upon their own efforts and resources will be deprived of the opportunity to secure college training, and the State, as a consequence, will be the loser.

V. SPECIAL TYPES OF SCHOOLS

~~The educational institutions at Talladega, Alabama, established for giving~~
training to the deaf, dumb, and blind of both races are crowded, improperly equipped, in need of buildings. Additional funds with which to provide these needs as well as to pay the salaries of a larger teaching force should be provided. The State cannot deny relief to these schools which were established for the training of defective children. There is a responsibility confronting the Legislature which can be met only by approving through legislative enactment a reasonable program which will result in the better care and more efficient training of these children, who are as much entitled to recognition as those who are fortunate enough to possess all of their senses unimpaired.

The Boys' Industrial School at East Lake, Alabama, is one of the State's educational assets. It is crowded, needs additional buildings and equipment and a maintenance fund for employing teachers and meeting other necessary expense. The last Legislature provided for an entirely new plant for the

State Training School for Girls which is located about five miles from the heart of Birmingham and, although the buildings constructed and equipment purchased were thought to be sufficient at that time, on the occasion of the visit of the committee the institution was found to be crowded and in need of additional physical equipment to provide both quarters and training for the girls who are committed thereto. It is, therefore, recommended that due consideration be given the requests made by the boards of trustees of these institutions.

The conditions referred to in the two above named institutions for wayward white children exist also in the Alabama Reform School for Juvenile Negro Law Breakers located at Mt. Meigs. This institution should likewise have the careful consideration of the Legislature and the necessary funds be made available to relieve the overcrowded condition that exists at this time.

VI. STATE DEPARTMENT OF EDUCATION

School authorities in the cities, counties and institutions of all kinds assured the committee that they were receiving co-operation from the State Department of Education and that its services were constructive and valuable. The forward-looking policies of the Department have set a high standard of achievement in every phase of the educational service of the State. It would, therefore, in the opinion of the committee, be a serious mistake to restrict or interfere with the constructive program of education upon which the people of the State have entered during the last few years, the continuation of which in no small measure is dependent upon the leadership and the co-ordination which is provided under the general guidance of the State Board of Education.

VII. SCHOOL LAWS

The entire School Code has been given careful consideration by the committee and bills will be presented providing for such revisions as are deemed urgent and necessary at the present time. In this connection it may be well to reiterate the opinion that it is not desirable to make sweeping experimental revisions of the school laws. Such changes should be made only in cases where serious conditions exist and no other remedy under the present provisions of the law appears to be possible. The present system of school laws is on the whole working satisfactorily throughout the State and it would be unwise to suggest miscellaneous amendments which would tend to interfere with the uniform administration of school affairs.

APPROPRIATIONS

The subject of appropriations has not been dealt with in detail by the committee in its report. It has merely endeavored to point out to the Legislature in some measure the facts, the needs and the conditions as they exist. A schedule of the needs for the various types of educational service for the next quadrennium has been prepared and is in the hands of the Budget Commission. If there is to be any progress along educational lines during that period, or even if present standards are to be maintained liberal, increased appropriations will be required.

CONCLUSION

The committee believes that the greatest service which can be rendered the State will come through making available sufficient funds for a more adequate support of our schools. This applies to all parts of our school system, from the primary grades to the institutions of higher learning. Many matters have come to our attention relative to the improvement of the schools, but this is the one paramount need, the providing increased support for all divisions of our school system in order that the educational opportunity in Alabama shall be on a parity with her sister states of the Union, and shall be made more nearly equal in all the counties of the State. A general demand has been formed for the accomplishment of these two purposes.

To this end, therefore, in concluding this brief study of the educational conditions and needs of Alabama, which has been made during the past few months, your committee recommends that a proposed constitutional amendment be submitted providing for a four-mill State tax for educational purposes, to be apportioned as follows: 1½ mills to the institutions for higher learning (University, Auburn, Montevallo and Negro School at Huntsville); 6/10 of one mill to the four Class A normal schools and the negro normal school; 1 9/10 mills to the common schools; and that when the funds from this source become available the institutions for higher learning and the normal schools shall receive no appropriations other than from their respective apportionments of the four-mill tax.

The committee further recommends that from the funds for the common schools there should be set apart approximately \$1,000,000.00 as an equalizing fund to be used for equalizing the length of school terms in the elementary schools of the several counties, so that each would have at least a seven months' term; and for the development and support of a system of high schools in the rural communities, so that every child may have an opportunity to obtain a high school education conveniently and inexpensively.

In addition to lengthening the school terms there would be sufficient funds provided to eliminate or at least greatly reduce the incidental fees now required for admission to many of the elementary and high schools.

The submission of this proposed amendment will give the people of the State the opportunity to determine for themselves whether the present system of schools with their limitations is to be continued or whether a larger and more comprehensive program of education is to be provided for the children of Alabama.

The above report is approved by the committee as a whole, although differences of opinion prevailed in certain particulars.

Hattie H. Wilkins, Chairman,
Walter S. McNeil,
Lewis Bowen,
Shorter C. Hudgens,
Chas. S. Culver,
S. M. Adams,
J. C. Inzer,
G. J. Hubbard,
J. W. LeMaistre,
Will O. Walton.

COMMITTEE REPORT.

On motion of Mr. Inzer, the reading at length of the foregoing report from the Joint Recess Committee on Education was dispensed with, and said report ordered spread upon the Journal.

RESOLUTIONS

The Standing Committee on Rules reported to the Senate the following Senate resolution:

S. R. 89. Be it resolved by the Senate, That an additional standing committee of the Senate, to be known as the Code Committee, consisting of seven members to be appointed by the President of the Senate, and whose duties shall be to examine and inspect the Code reported by the Recess Code Committee and such other duties as may be incident to their work, be, and is hereby, created, and that it shall be the duty of such Standing Code Committee to report said Code to the Senate with such recommendations as they may see proper.

Which was read and, under a suspension of the rules, said resolution was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Inzer	Oliver
Brooks	Ellis	Johnson	Overton
Brower	Griffith	Jones (Barbour)	Pelham
Caffey	Harlan	Jones (Conecuh)	Powell
Carlton	Howle	Middleton	Tunstall
Carmichael	Hudgens	McNeil	Waddell
Craft			

—25

Nays:—None.

Said Standing Committee on Rules also reported to the Senate the following Senate resolution:

S. R. 90. Be it resolved by the Senate, That an additional standing committee of the Senate, to be known as the "Committee on Seaports" to which all bills affecting the improvement of seaports shall be referred, be, and is hereby, created. Said committee shall consist of five Senators to be appointed by the President of the Senate.

Which was read and, under a suspension of the rules, said resolution was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Inzer	Oliver
Brooks	Ellis	Johnson	Overton
Brower	Foster	Jones (Barbour)	Pelham
Caffey	Garth	Jones (Conecuh)	Powell
Carlton	Griffith	Middleton	Tunstall
Carmichael	Harlan	McNeil	Waddell
Craft	Howle		

—26

Nays:—None.

Mr. Ellis offered the following joint resolution:

S. J. R. 91. Whereas, the "Governor's Mansion" is in need of repairs, which should be made without delay, therefore be it resolved by the Senate, the House concurring, That a joint committee be selected, two to be appointed by the President of the Senate, and three by the Speaker of the House, whose duty it shall be to visit the "Mansion," inspect the same, and investigate what repairs are needed, and to prepare a bill to be introduced in the Legislature appropriating a sufficient sum of money with which to make the needed repairs, under the direction of the joint committee hereby raised.

Which was read and referred to the Standing Committee on Rules.

The Senate Rules Committee offered the following joint resolution:

S. J. R. 92. Be it resolved by the Senate, the House concurring, That when the two houses adjourn today they reconvene on next Tuesday at two P. M. Second, Be it resolved further, That thereafter the Legislature shall convene on Monday of each week and remain in session until Friday.

Which was read at length and referred to the Standing Committee on Rules.

Mr. Carmichael offered the following joint resolution:
By Senator Carmichael:

S. J. R. 93. Whereas, the eminent French army officer, General Gouraud, is now visiting the people of the United States, and his itinerary will include the Capital City of Alabama; and

Whereas, the soldiers of our own glorious Fourth Alabama (167th U. S. Infantry) were in the same army and were associated with this brave Frenchman during a portion of their service in the World War, and this association was productive of mutual regard and esteem; and

Whereas, it is desirable that the members of the Legislature of Alabama show their regard for our own brave soldiers and their comrades in arms who fought with them under the flags of our allies; and

Whereas, it will be a pleasant privilege to see, hear and have as our guest this distinguished visitor to our country;

Now therefore be it resolved by the Senate of Alabama, the House of Representatives concurring:

1. That on the occasion of his visit to Montgomery that General Gouraud be invited to address the Legislature in joint session.

2. That a committee of five members, composed of two from the Senate and three from the House of Representatives be raised to convey the invitation to General Gouraud.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a **favorable report, to-wit:**

S. J. R. 91. Relative to creating a joint committee of the Senate and House to inspect the Governor's Mansion and report as to needed repairs.

And on motion of Mr. Martin, said report was concurred in and the resolution concurred in and adopted.

Yeas, 27; Nays, 0.

*Yeas:**Messrs:*

Adams	Craft	Howle	Oliver
Bonner	Duncan	Inzer	Overton
Brooks	Ellis	Johnson	Pelham
Brower	Foster	Jones (Barbour)	Powell
Caffey	Garth	Jones (Conecuh)	Tunstall
Carlton	Griffith	Middleton	Waddell
Carmichael	Harlan	McNeil	

—27

Nays:—None.

Also favorably:

S. J. R. 92. Relative to adjournment of the two houses until next Tuesday at 2 o'clock P. M.

And on motion of Mr. Martin, said report was concurred in and the resolution concurred in and adopted and ordered sent forthwith to the House for its consideration.

Mr. Martin, Chairman of the Standing Committee on Rules, also reported that said committee, in session, had acted on the following joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 13. Resolved by the House, the Senate concurring, that

1. A joint committee from the Senate and the House of Representatives of the Alabama Legislature is hereby created, to consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from the House, to be appointed by the Speaker of the House, which shall sit during the recess of the Legislature for the consideration of the matters hereinafter referred to. The members of the committee shall be paid the same per diem and mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as a member of the committee; and shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed study of the subjects herein referred to.

2. The committee shall fully consider and carefully prepare a constructive and practical system of agricultural legislation for the State of Alabama.

3. The committee shall make a full and detailed report of its investigations, recommendations, findings and plans pertaining to agricultural legislation, and prepare a bill or bills embodying its recommendations to be introduced in the Legislature immediately upon the reconvening of the Legislature after the recess. In its discretion the committee may cause its report to be printed as one of the series of legislative documents in an edition of not exceeding two thousand copies.

And on motion of Mr. Jones of Barbour, said resolution was re-referred to the Standing Committee on Finance & Taxation.

Also favorably:

By Senator Carmichael:

S. J. R. 93. Whereas, the eminent French army officer, General Gouraud, is now visiting the people of the United States, and his itinerary will include the Capital City of Alabama; and

Whereas, the soldiers of our own glorious Fourth Alabama (167th U. S. Infantry) were in the same army and were associated with this brave Frenchman during a portion of their service in the World War, and this association was productive of mutual regard and esteem; and

Whereas, it is desirable that the members of the Legislature of Alabama show their regard for our own brave soldiers and their comrades in arms who fought with them under the flags of our allies; and

Whereas, it will be a pleasant privilege to see, hear and have as our guest this distinguished visitor to our country;

Now therefore be it resolved by the Senate of Alabama, the House of Representatives concurring:

1. That on the occasion of his visit to Montgomery that General Gouraud be invited to address the Legislature in joint session.

2. That a committee of five members, composed of two from the Senate and three from the House of Representatives be raised to convey the invitation to General Gouraud.

Which report was concurred in and said resolution adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled resolution with the original resolution and finds same correctly enrolled, to-wit:

S. J. R. 85. Relative to protesting against placing negro officials in charge of Government Hospital at Tuskegee, Alabama.

C. E. Horton,
Chairman.

SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing resolution, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Long:

H. J. R. 67. Resolved by the House, the Senate concurring, That it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 67, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 67. Resolved by the House, the Senate concurring, That it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

And on motion of Mr. Martin said report was concurred in and said resolution read a second time and placed on the Calendar for a third reading on tomorrow.

And on motion of Mr. Ellis said resolution, H. J. R. 67, was made a

SPECIAL AND CONTINUING ORDER

For the 19th Legislative Day, at 3 o'clock P. M.

MESSAGE FROM THE GOVERNOR.

Message to the Senate:

I herewith return to you Senate bill 34 without my approval. However, my objection to the bill is that the enrolled bill on the third line from the last at page one thereof appears the word "unlikely" which was evidently used and intended for the word "likely" as it appeared from an inspection of the original bill. The bill if approved as enrolled would authorize the taking or condemnation of lands "unlikely" to be flooded whereas the purpose and intention of the bill as originally introduced and as it passed both houses was to authorize the taking of lands only which were "likely" to be flooded. The result is that each house has passed one bill and the presiding officers of the two houses have signed a different bill.

With this word "unlikely" changed to the word "likely" would meet my approval as this is the only objection I find to the bill.

Respectfully,
Wm. W. Brandon,
Governor.

July 13, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Ellis the reading of the foregoing message from His Excellency, the Governor, was dispensed with and said message laid on the Secretary's desk until the next legislative day.

RESOLUTION.

Mr. Jones of Barbour, offered the following Senate joint resolution:

S. J. R. 94. Be it resolved by the Senate of Alabama, the House of Representatives concurring, That at eleven o'clock in the morning today, the two houses do hold a joint session in the hall of the House of Representatives for the purpose of hearing the address of Hon. J. Thomas Heflin, United States Senator from Alabama, in accordance with the invitation heretofore extended to the Senator.

Which was under a suspension of the rules, adopted and ordered sent forthwith to the House.

JOINT SESSION.

The hour of 11 o'clock having arrived, pursuant to S. J. R. 94, heretofore adopted, the Legislature of Alabama met in the hall of the House of Representatives in joint session to hear the address of Hon. J. Thomas Heflin, United States Senator from Alabama.

The joint session was called to order by Hon. Charles S. McDowell, Lieutenant Governor and President of the Senate, who directed the Secretary to call the roll of the Senate, when the following Senators answered to their names:

Messrs:			
Adams	Duncan	Hudgens	Oliver
Bonner	Foster	Inzer	Overton
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Harlan	Martin	Tunstall
Carlton	Howle	McNeil	Waddell

Carmichael

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The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following Representatives answered to their names, to-wit:

Messrs:			
Mr. Speaker	Ashcraft (Lauderd'l)	Burton	Dickinson
Adams	Blackwell	Byars	Dunwoody
Adcock	Bowen, Lewis	Calloway	Elliott
Allen	Bowen, L. K.	Christian	Embry
Arrington	Boykin	Coleman	Fanning
Ashcraft (Fayette)	Burns	Cook	Ferrell

Forman	Howard	Pickens	Snodgrass
Gaines	Howze	Poole	Sollie
Glenn	Hubbard	Posey	Stewart (Calhoun)
Glover	Jeter	Powell	Thompson (Etowah)
Goode	Jones	Ringer	Thompson (Jackson)
Goodwyn	Letson	Rives	Tiller
Graves	Long	Rountree	Tunstall
Grove	Love	Rutherford	Varner
Guy	Luck	St. John	Walker
Hall	Melton	Sanders (Conecuh)	Wall
Hampton	Moorer	Sanders (Pike)	Walton
Hatter	Moxley	Sessions	Ware
Henley	Nichols	Smith (Clay)	Mrs. Wilkins
Henson	Norman	Smith (Jefferson)	Williams
Hodgson	Parker	Smith (Lee)	Young
Hornsby	Patterson		

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The President of the Senate then announced that a quorum of the Legislature was present and the Hon. J. Thomas Heflin was escorted to the chair and delivered his address.

At the conclusion of said address the Senate returned to its chamber.

ROLL CALL.

Present:

Messrs:			
Adams	Craft	Howle	Oliver
Bonner	Duncan	Inzer	Overton
Brooks	Ellis	Johnson	Pelham
Brower	Foster	Jones (Barbour)	Powell
Caffey	Garth	Jones (Conecuh)	Teasley
Carlton	Griffith	Martin	Tunstall
Carmichael	Harlan	McNeil	Waddell

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INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Inzer:

S. 190. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Judiciary.

Also:

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of laws in conflict herewith.

Judiciary.

By Mr. Oliver:

S. 192. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose, or purposes.

Commerce & Common Carriers.

By Mr. Overton:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Commerce & Common Carriers.

By Mr. Harlan:

S. 194. To alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

Municipalities and Municipal Organization.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF THE INTENTION TO INTRODUCE IN THE LEGISLATURE OF ALABAMA AND HAVE ENACTED AS A LOCAL LAW

A BILL TO ALTER AND REARRANGE THE BOUNDARY LINES OF THE CITY OF ALEXANDER CITY, ALABAMA.

Notice is hereby given, as provided by section 106 of the Constitution of 1901, that a bill will be introduced into the Legislature of Alabama at the adjourned meeting of such Legislature to be held on, to-wit: the 10th day of July, 1923, and that the intention to apply for the enactment of such law is hereby given, and such bill shall be substantially as follows, to-wit:

A BILL

To be entitled An Act to alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

Be it enacted by the Legislature of Alabama:

Section 1—That the boundary lines of the city of Alexander City, in the county of Tallapoosa, State of Alabama, be altered and rearranged so that the city of Alexander City shall include in its corporate limits the territory described as follows, to-wit:

~~Section twenty-seven, township twenty-three north, range twenty-one east.~~

The south half of the northeast quarter and the southeast quarter of the northwest quarter and the east half of the southwest quarter and the southeast quarter of section twenty-eight, township twenty-three north, range twenty-one east.

The southwest quarter of the southwest quarter of section twenty-six, township twenty-three north, range twenty-one east.

The west half of section thirty-four, township twenty-three north, range twenty-one east.

The east half of section thirty-four, township twenty-three north, range twenty-one east, except that part described as follows: Beginning at a point where the east and west line on the north side of section thirty-four

and the west side of the Central of Georgia Railroad right-of-way intersect, from which, west to the quarter section corner, which is the northwest corner of the northeast quarter of section thirty-four, from which, south to the quarter section corner on the south side of section thirty-four, from which, east to the southeast corner of section thirty-four, township twenty-three north, range twenty-one east, from which north along the east side of section thirty-four to the intersection with the south and west side of the right-of-way of the Central of Georgia Railroad, from which, along the south and west side of said right-of-way to starting point.

The west half of the west half of section thirty-five, township twenty-three north, range twenty-one east, except that portion lying west and south of the Central of Georgia Railroad right-of-way more fully described as follows: Beginning at a point where the east and west line of the south side of section thirty-five, township twenty-three north, range twenty-one east intersects with the west side of the Central of Georgia Railroad right-of-way, from which, west to the southwest corner of section thirty-five, from which north along the west side of section thirty-five to the intersection with the south and west side of the Central of Georgia Railroad right-of-way from which in a southeasterly direction along the said Central of Georgia Railroad right-of-way to beginning.

The northeast quarter of section thirty-three, township twenty-three north, range twenty-one east, except that portion lying south and east of the Central of Georgia Railroad more fully described as follows: Beginning at the southwest corner of the northeast quarter of section thirty-three, township twenty-three north, range twenty-one east, from which, north to the intersection on south side with the Central of Georgia Railroad right-of-way, from which, along said right-of-way in an easterly direction to a point seven hundred sixty feet west from the east side of the southeast quarter of the northeast quarter and two hundred feet south from the north side of the southeast quarter of the northeast quarter, from which southeast to the southeast corner of the northeast quarter of section thirty-three, township twenty-three north, range twenty-one east.

The east half of the northwest quarter of section thirty-three, township twenty-three north, range twenty-one east, except that portion lying south and west of the Central of Georgia Railroad right-of-way, which is more fully described as follows: Beginning at the intersection on the south side of said right-of-way and the north and south line dividing the northwest quarter of the northwest quarter, and the northeast quarter of the northwest quarter which is seven hundred feet south from the northwest corner of the northeast quarter of the northwest quarter, from which, south, to the southwest corner of the southeast quarter of the northwest quarter, from which east to the southeast corner of the northwest quarter, from which north to the intersection of the right-of-way on the south side of the Central of Georgia Railroad, from which along the said right-of-way, on the south and west side to starting point.

Section 2—This said Act shall take effect from its passage and approval by the Governor.

State of Alabama, }
County of Tallapoosa. }

I, J. C. Colvin, a Notary Public in and for said county and State, hereby certify that on the 11th day of July, 1923, personally appeared before me W. R. Jordan, publisher of the Alexander City Outlook, who stated under oath that a bill to rearrange the boundary lines of the city of Alexander City was published in said Alexander City Outlook under dates of May 23, 30, June 6, 13, a copy of one issue being hereto attached.

W. R. Jordan, Publisher.

Given under my hand and seal this 11th day of July, 1923.

(Seal)

J. C. Colvin,
Notary Public.

By Mr. Brower:

S. 195. To declare what is unfair discrimination by producers, distributors or dealers in petroleum or any of its derivatives, or motor oils or fuels; to prohibit the giving by any such producers, distributors or dealers, to any of its customers in this State of any rebate or special price or furnishing, selling, renting without a reasonable charge therefor pumps or fixtures used in the sale or distribution of such commodities to one or more of its customers, for the purpose of injuring or destroying the business of a competitor, or creating a monopoly and to make it unlawful for such producers, distributors or dealers to engage in, or be a party to any combination or conspiracy to fix or control the prices of any such commodities, and to fix the punishment and penalties for the violation of the provisions of this Act.

Judiciary.

By Mr. Carmichael:

S. 196. To amend sections 7, 8, 13, 23, 28, 29, 36, 39, and 41 of an Act entitled "An Act, to regulate and provide for the military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act." Approved September 19. 1919 and October 5, 1920.

Military.

By Mr. Jones of Barbour:

S. 197. To define the term "election precinct" and to provide for the proper place for each qualified elector to vote.

Privileges and Elections.

By Mr. Ellis:

S. 198. To amend section 153 of the Code of Alabama.

Finance & Taxation.

Also:

S. 199. To give preference in payment over other debts of the State to the interest on the bonded indebtedness of the State.

Finance & Taxation.

Also:

S. 200. To amend sections 1 and 2 of article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections

for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural schoolhouses and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school

funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method

of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Revision of Laws.

Also:

S. 201. To amend section 5186 of the Code of Alabama.

Finance & Taxation.

By Senator Craft:

S. 202. To provide for the reimbursement out of the county treasury or county depository for the reasonable expenses incurred by members of the board of county commissioners, board of revenue and road commissioners, or by whatever name said board may be known, for their reasonable traveling expenses within the State of Alabama, when such trip is made for the benefit, or in the interest of the public roads or bridges of their county, and when such trip is taken in pursuance of a resolution adopted by said board while in session and which is made a part of the minutes of such board.

Local Legislation.

Also:

S. 203. To provide for the employment of patrolmen by the board of county commissioners, board of revenue and road commissioners, or such board by whatever name it may be known in all counties in the State of Alabama where there have been constructed hard surfaced roads or State aid roads, to pay the salaries of said patrolmen out of the general funds of the county, to define their duties and clothe them with authority to make arrests for the violation of the motor-vehicle law of Alabama.

Local Legislation.

Also:

S. 204. To define hotels and inns in this State; to regulate their operations; to protect such hotels and inns and their guests and to fix their respective liabilities.

Public Health.

Also:

S. 205. To provide for the establishment of titles to real estate by a proceeding in rem.

Judiciary.

Also:

S. 206. To amend section 1 of an Act entitled an Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

Judiciary.

Also:

S. 207. For the relief of the heirs of Mathias Kaiser, deceased.

Judiciary.

Also:

S. 208. To amend an Act entitled "An Act to create the office of revenue constable for Mobile County and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN.

Notice is hereby given that at the adjourned session of the Legislature of the State of Alabama, to be held in the city of Montgomery, Alabama, commencing on July 10, 1923, a bill will be introduced to amend the local legislation which provides for the joint election and pay, by the Board of Revenue and Road Commissioners of Mobile county, and the Board of School Commissioners of Mobile county, of a revenue constable for Mobile county; such amendment to strike out those portions of the said existing legislation which requires the said Board of School Commissioners to take part in the election and pay of the said revenue constable; to provide that the salary of the said revenue constable shall be such sum as the Board of Revenue and Road Commissioners may fix, not in excess of one hundred and twenty-five dollars per month; and to strike out, from the numeration of the constable's duties, State and school licenses; so that under the law, as thus amended, the Board of School Commissioners of Mobile county will not be required either to join in the election of a revenue constable or pay any part of his compensation; the salary of the said revenue constable will be discretionary with the Board of Revenue and Road Commissioners with a maximum limit; and his duties will include the enforcement of county licenses only.

State of Alabama,)

Mobile County,)

Before me, Nettie Chandler, a Notary Public in and for said State and county, this day personally appeared A. M. Wing, who is known to me and who being by me first duly sworn deposes and says that he is auditor of the Mobile Register, Inc., publishers of the Mobile Register, a newspaper published in said State and county; and that the attached notice of intention to introduce a bill to amend the Mobile County Revenue Constable Law was published once a week for four consecutive weeks in the said Mobile Register, to-wit: June 12th, 18th, 25th, July 2nd, 1923.

A. M. Wing,
Auditor.

Subscribed and sworn to before me on this the 9th day of July, 1923.

(Seal) Nettie Chandler,
Notary Public Mobile County, Alabama.

By Mr. Craft:

S. 209. To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy.

Judiciary.

Also:

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Finance and Taxation.

Also:

S. 211. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Municipalities and Municipal Organization.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

At the adjourned session of the Legislature of the State of Alabama, to be held in the city of Montgomery, Alabama, commencing on July 10, 1923, the following bill will be presented:

An Act to authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light & Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Be it enacted by the Legislature of Alabama:

1. That the commissioners of the city of Mobile be, and they are hereby authorized to, from time to time, contract with the Mobile Light & Railroad Company as to just what portions of the streets of the city of Mobile shall be, and what shall not be, paved by, or at the expense of the Mobile Light & Railroad Company, and just how, where, and of what material such pavement shall be done, repaired or renewed, which contractual provisions shall supersede any and all requirements of the Mobile Light & Railroad Company already provided as to such pavement, whether contained in its franchise or charter or imposed by any general or special statute, provided, however, that nothing herein shall in anywise affect the obligations of the Mobile Light & Railroad Company in the matter of pavement of streets of the city of Mobile, as already provided, except where such changes are provided for by such contracts.

2. That all laws or parts of laws, general, local, or special in conflict herewith, be, and the same are, to the extent of such conflict, hereby repealed.

State of Alabama, }
 Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and county, this day personally appeared A. M. Wing, who is known to me and who being by me first duly sworn deposes and says that he is auditor of the Mobile Register, Inc., publishers of the Mobile Register, a newspaper published in said State and county; and that the attached notice of bill to be presented to Legislature appeared in the issues of said newspaper of June 19-26, July 3-10, 1923.

A. M. Wing,
 Auditor.

Subscribed and sworn to before me on this the 12th day of July, 1923.

Nettie Chandler,

(Seal)

Notary Public Mobile County, Alabama.

By Senator Martin:

S. 212. To amend section 5417 of the Code of Alabama of 1907.

Revision of Laws.

RESOLUTIONS.

Mr. Craft offered the following Senate resolution, which was read and referred to the Standing Committee on Rules:

S. R. 95. Resolved, That 250 copies of the bill, known as the State Highway Bill, Senate bill 172, be printed for use of the Senate and House.

Mr. Carmichael offered the following Senate joint resolution, which was read at length and referred to the Standing Committee on Rules:

By Senator Carmichael:

S. J. R. 96. Whereas, the general of the armies of the United States, John J. Pershing, will be in Birmingham as the guest of the Birmingham Post of the American Legion on July 25th next and has been invited to visit Montgomery on the day following as the guest of the Montgomery Post of the American Legion; and,

Whereas, General Pershing functioned as the commanding general of the more than two million men which comprised the ~~American Expeditionary Forces in Europe during the World War~~ and, through his superb leadership and generalship, caused the American army to emerge victoriously in every conflict in which it was engaged, although frequently pitted against the strongest shock troops of the Central European Powers; and,

Whereas, it is recognized that the victorious successes won by the American troops commanded by General Pershing broke the heart of the enemy; pushed him back from the deep incursions he had made into French and Belgian soil; and caused him, in November, 1918, to fall to his knees and entreat for cessation of hostilities under terms to be dictated by the United States and our allies; and,

Whereas, it is recognized that the American Expeditionary Forces commanded by General Pershing snatched victory from defeat and that, by such victory our allies, were rescued from oppression and domination at the hands of a militaristic empire, thereby enabling democracy to emerge securely from out of the great assault launched against it by that supreme oligarch, the former emperor of Germany:

Now, therefore, be it resolved by the Senate of Alabama, the House concurring:

1. That General John J. Pershing be, on the occasion of his visit to Alabama, invited to visit the State Capitol and address the Senate and the House in joint session assembled.

2. That a committee of five, of which two shall be from the Senate and three from the House, be appointed to convey proper invitation to General Pershing and to arrange the details of his visit.

MESSAGE FROM THE GOVERNOR.

Message to the Senate:

I herewith return to you Senate bill 34 without my approval. However, my objection to the bill is that the enrolled bill on the third line from the last at page one thereof appears the word "unlikely" which was evidently used and intended for the word "likely" as it appeared from an inspection of the original bill. The bill if approved as enrolled would authorize the taking or condemnation of lands "unlikely" to be flooded whereas the purpose and intention of the bill as originally introduced and as it passed both houses was to authorize the taking of lands only which were "likely" to be flooded. The result is that each house has passed one bill and the presiding officers of the two houses have signed a different bill.

With this word "unlikely" changed to the word "likely" would meet my approval as this is the only objection I find to the bill.

Respectfully,
Wm. W. Brandon,
Governor.

July 13, 1923.

On motion of Mr. Hutson, consideration of the foregoing message from His Excellency, the Governor, was postponed until tomorrow.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 92, relative to the adjournment of the two houses today until Tuesday, July 17th.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 1:45 P. M. on motion of Mr. Adams and pursuant to S. J. R. 92, the Senate adjourned until Tuesday, at 2:00 P. M.

NINETEENTH DAY.

Tuesday, July 17, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

Prayer by Mr. Adams of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Foster	Hutson	Overton
Bonner	Garth	Inzer	Pelham
Brooks	Griffith	Johnson	Powell
Brower	Harlan	Jones (Barbour)	Randall
Caffey	Hildreth	Jones (Conecuh)	Slone
Carlton	Horton	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Duncan	Hudgens	Oliver	Waddell
Ellis			

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A quorum of the Senate.

JOURNAL.

On motion of Mr. Inzer the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

LEAVE OF ABSENCE.

On motion of Mr. Overton leave of absence was granted Mr. Craft for today.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Inzer, the privileges of the floor were granted to Hon. W. A. Davis of Calhoun.

UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the last Legislative Day, which was the following message from the Governor, laid on the Secretary's desk on yesterday:

Message to the Senate:

I herewith return to you Senate bill 34 without my approval. However, my objection to the bill is that the enrolled bill on the third line from the last at page one thereof appears the word "unlikely" which was evidently used and intended for the word "likely" as it appeared from an inspection of the original bill. The bill if approved as enrolled would authorize the taking or condemnation of lands "unlikely" to be flooded whereas the purpose and intention of the bill as originally introduced and as it passed both houses was to authorize the taking of lands only which were "likely" to be flooded. The result is that each house has passed one bill and the presiding officers of the two houses have signed a different bill.

With this word "unlikely" changed to the word "likely" would meet my approval as this is the only objection I find to the bill.

Respectfully,
Wm. W. Brandon,
Governor.

July 13, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Hutson, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 34. To amend section 3627 of the Code of Alabama of 1907. Said amendment being set out in the foregoing message from His Excellency, the Governor.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Overton
Bonner	Garth	Inzer	Pelham
Brooks	Griffith	Johnson	Powell
Brower	Harlan	Jones (Barbour)	Randall
Caffey	Hildreth	Jones (Conecuh)	Slone
Carlton	Horton	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Duncan	Hudgens	Oliver	Waddell
Ellis			

—33

Nays:—None.

Being a majority of the whole number elected to the Senate.

And said bill, as thus amended by the amendment by His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Garth	Inzer	Overton
Bonner	Griffith	Johnson	Pelham
Brooks	Harlan	Jones (Barbour)	Powell
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Slone
Carlton	Howle	Middleton	Tunstall
Carmichael	Hudgens	McNeil	Waddell
Duncan	Hutson	Oliver	

—31

Nays:—None.

Being a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR.

To the members of the Senate and House of Representatives:

I herewith submit to you copies of questions which I, as Governor, propounded to the Justices of the Supreme Court of Alabama under and by virtue of the Act passed at this session of the Legislature approved

February 13, 1923, which Act provided for obtaining the opinion of the Justices of the Supreme Court or a majority thereof. I also submit to you copies of the responses and answers of a majority of the Justices of the Supreme Court to the questions so propounded to them; also, copies of the declination of a minority of the Justices of the Supreme Court, with their reasons and opinions for declining to answer the questions propounded, the minority of the Justices being of the opinion that the Act authorizing the obtaining of their opinions on such questions is unconstitutional. The questions propounded to the Justices by me sought their opinion as to the proper construction of the amendment to the Constitution known as the Port Amendment, as to whether or not the amendment would authorize the Legislature to provide for the State incurring debts or to issue bonds to the amount of ten million dollars for the promotion, development or operation of harbors or seaports within the State. The effect of the opinion of the majority of the Justices was that the Legislature was authorized to provide by law for the incurring of debts or the issuing of bonds to the amount of ten million dollars for the purpose of promoting, developing or operating harbors or seaports within the State, and that the Act providing for obtaining the opinion of the Justices of the Supreme Court upon important constitutional questions was constitutional and valid.

In consequence of the opinion of the majority of the Justices, which is in accord with my own opinion, I therefore suggest and request that the Legislature, as soon as practicable, enact into law a statute providing for the promotion, development or operation of harbors or seaports within the State, as is authorized by such amendment to the Constitution. The details or exact provisions of such statute or law I prefer to leave to the wisdom of the Legislature; but I do suggest and request that in the drafting of such statute care should be taken and observed that the statute provide that such work or improvements of the harbors or seaports of this State shall always be and remain under the management and control of the State through its State Harbor Commission, or other governing agency, as is provided for in the amendment, and that the statute also provide that the receipts, charges, incomes or profits from the operation of such harbors or seaports be devoted, so far as practicable, to the creation of a sinking fund with which to pay the interest and principal of any State bonds which may be issued for the purpose of promoting, developing or operating such harbors or seaports; and that the statute contain ample provision and safeguards to insure honest, faithful and efficient services and expenditures of the funds, the profits of the sale of bonds so issued for the promotion, development or operation of such harbors or seaports.

I also suggest that the questions propounded by me to the Justices of the Supreme Court and their responses to the questions, as well as the declination of the minority of the Justices to respond, be recorded upon the Journals of each House and printed as prefatory or addenda matter to the Acts of this session of the Legislature; and that a sufficient number of copies be printed by order of the two Houses of the Legislature, for the information of each member of the Legislature, as to the contents of such questions and the responses of the Justices thereto, to the end that it may aid the Legislature in the enactment of proper laws to put into force and effect the amendment to the Constitution.

Respectfully submitted,
Wm. W. Brandon,
Governor.

July 13th, 1923.

Chambers of the Justices,
June 1st, 1923.

TO
The Governor,
Hon. Wm. W. Brandon,
State Capitol.

The following communication, formulated and presented as the Advisory Opinion Act purports to authorize, has been received by the Justices; the questions propounded have been considered with the most thorough care by the Justices signing the responses to be stated to the questions thus propounded by you:

"STATE OF ALABAMA
EXECUTIVE DEPARTMENT
MONTGOMERY

February 20, 1923.

To the Honorable,
The Justices of the Supreme Court of Alabama.

Gentlemen:

Under and by virtue of an act of the present session of the Legislature, approved February 13, 1923, 'To provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or either House of the Legislature, upon important Constitutional questions,' I deem it advisable to request your opinion or opinions on the following questions, to-wit:

First. Can the State of Alabama be 'authorized by appropriate laws passed by the Legislature' to issue State Bonds to an amount not exceeding ten million dollars, to enable it to 'engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction,' as is provided by the last amendment to Section 93 of the Constitution of Alabama, which amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Second. Can the State of Alabama be 'authorized by appropriate laws passed by the Legislature' to incur an indebtedness not exceeding Ten Million Dollars, in order to 'engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction,' as is provided in the last Amendment to Section 93 of the Constitution of Alabama, which Amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Third. Does Section 213 of the Constitution of Alabama prohibit the State from incurring debts or issuing bonds, not exceeding Ten Million Dollars, to enable it to 'engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction,' as is provided in the last Amendment to Section 93 of the Constitution of Alabama, which amendment was adopted and proclaimed to be a part of the Constitution of Alabama on November 22, 1922?

Fourth. Is the Amendment to Section 93 of the Constitution of Alabama, as referred to in the preceding questions, within the limitations or prohibition of Section 213 of the Constitution against the State incurring debts?

In conformity with the foregoing statute approved February 13, 1923, I respectfully request you gentlemen to state to me your opinion or opinions

on the questions above mentioned, as soon as may be convenient to Your Honors.

I am with great respect,

Your most obedient servant,
(Signed) Wm. W. Brandon,
Governor."

The undersigned Justices respectfully reply in the affirmative to the questions designated *First* and *Second* in the communication reproduced *ante*; and in the negative to the questions designated *Third* and *Fourth* in the communication reproduced *ante*. The consideration and grounds inducing the catagorical responses made to the several questions propounded are set forth in the opinion which by direction of the Justices signatory thereto, has been prepared by Justice McClellan to express their judgments in the premises.

THE ADVISORY OPINION ACT.

The specific questions, propounded by the Governor, reproduced in the foregoing responses made by a majority of the Justices, in their individual capacities, are the first to be propounded under the Act (approved February 13, 1923) "To provide for Obtaining the Opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor or Either House of the Legislature, Upon Important Constitutional Questions."

It was aptly observed in *Norwood v. Goldsmith*, 168 Ala. 224, 334, that "all persons or officers are of necessity required to pass upon the validity of all acts * * * under which they are required to act or decline to act. In so acting or declining to act * * *, he must necessarily pass upon it for himself." In the exercise of this necessary, though obviously non-cluding function (*Norwood v. Goldsmith*, *Supra*), the Justices—in their individual capacities only, not as the means for the expression of the judgment of the Supreme Court of Alabama—have considered the Act with respect to its proper construction and effect as well as to its constitutional validity.

Apart from the title already quoted, the Act reads:

"Be it enacted by the Legislature of Alabama:

"Section 1. The Governor by a request in writing, or either House of the Legislature by a resolution of such House, may obtain written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, on important constitutional questions and

"Section 2. The opinion of the justices of the Supreme Court herein provided for shall not be binding upon the State or any department thereof, nor even upon the departments requesting it, or the justices giving the opinions; but such opinions shall be advisory merely. The object and purpose of this Act, being to give more confidence and assurance to the validity and constitutionality of important Acts or contemplated acts of the Governor and of the Legislature, and to declare the public policy of the State as to requesting and giving opinions of the justices of the Supreme Court as herein provided.

"Section 3. The justices of the Supreme Court may request briefs from the Attorney General, and may receive briefs from other attorneys as *amicus curiae*, as to such questions as may be propounded to them for their answers.

"Approved February 13, 1923."

Interpreting the Act according to its manifest effects these conclusions must, of necessity, prevail: (a) That the Act does not at all contemplate the advice or the advisory opinions of the Justices upon any matter relating to the wisdom, desirability or policy of prospective Legislative or Executive

action; (b) that the merely advisory opinions contemplated are those of the individual Justices, not of the Supreme Court of Alabama in its judicial capacity; (c) That specific inquiries, within the intent of the Act must involve or concern concrete, important constitutional questions upon matters or subjects of a general public nature, as distinguished from questions involved in the ascertainment or declaration of private right or interest; (d) and that responses to questions within the purview of the Act are designed to be advisory, consultative only, not concluding or binding the Governor or the House or Houses propounding inquiries or the Justices responding thereto.

The Act avows its own object and purpose to be "to give more confidence and assurance to the validity and constitutionality of important acts or contemplated acts of the Governor and the Legislature, and to declare the public policy of the State as to requesting and giving opinions of the Justices of the Supreme Court as" in the Act provided. In aid of the public service contemplated the Justices are authorized to request briefs from the Attorney General and to receive briefs from attorneys intervening *amicus curiae*.

Since the Legislature possesses the power to prescribe and to define the authority, duties and functions of the Governor and the Justices (except as restrained by the Constitution), the Act invests the Governor and the House with the authority to obtain the advisory opinions of the Justices or a majority of them—in respect of "important constitutional questions," propounded as the Act contemplates—and imposes upon the Justices an obligation to consider such questions as emanate from the sources the Act defines; but the determination of the inquiry, whether the question or questions so propounded are within the stated purview of the Act, is an inquiry addressed to and determinable alone by the Justices exercising, each for himself, his judgment upon the inquiry whether the question or questions properly propounded are within the purview of the Act. Such questions as are thus determined to be within the purview of the Act should and will be accorded appropriate response by the Justice or Justices so concluding.

The performance by the Justices of the function of the Act contemplates in non-judicial: this for the obvious reason that advisory opinions given do not conclude or vindicate any right or remedy; result in no judgment or decree; bind no one whatsoever. Anno. Cases, 1916, C. P. 739; 126 Mass. 566.

The preservative and conservative practice of obtaining the merely "advisory opinions" of the Judges, as a precautionary measure against invalid executive or legislative action or inaction contemplated, had its inception centuries ago in England (see 126 Mass. pp. 561 et seq. for satisfactory historical statement); and varying provisions therefor in the Constitutions of Massachusetts, Maine, New Hampshire, South Dakota, Colorado, Florida and Rhode Island afford illustrations of the idea's appropriation to the methods of government prevailing in the States enumerated. The recent (1917-19) re-ordination in Massachusetts of the pertinent provisions in that organic law accords the practice and uninterrupted existence in that State since 1780, upwards of one hundred and forty years. Other States have retained similar provisions for scores of years. In 1881, without either constitutional sanction or legislative authority the Judges of the Kentucky Court of last resort responded to a constitutional question propounded by the Governor. Sec. 79 Ky., pp. 621-633. In the eighties the Missouri Constitution was so amended as to eliminate its provision for "advisory opinions;" and Vermont recently repealed its statute (enacted in 1864) establishing the practice there. In 1885 Colorado amended its Constitution so as to require "advisory Opinions" from the Supreme Court

itself. In Minnesota the act requiring "advisory opinions" of the "Supreme Court or one or more of the Judges thereof" when requested by either branch of the Legislature, was held violative of that State's Constitution, and was hence void.—10 Minn. 78. The ground of the decision there made is at variance with constitutional principles established here by the illuminating opinion of Justice Head in *Fox v. McDonald*, 101 Ala. 51; to which we will later more particularly refer. In *re Workmen's Compensation Fund*, 119 N. E. Rep. 1027, 224 N. Y. 13, involved a statutory attempt to authorize the State Industrial Commission, "in its discretion, to certify to such Appellate Division of the Supreme Court, questions of law * * *," "the object there was to evoke the judgment of a department of the Supreme Court, not the advisory opinions of individual Justices thereof as is the design of the Alabama Act under consideration; and this, as the Court of Appeals held, upon a non-judicial question. The New York Court appears to have proceeded from the premises that the Constitution of New York restricted the exercise of judicial functions to "controversies" between litigants; and concluded that, under the organic law of New York, "the Legislature is [was] without power to charge the courts with the performance of non-judicial duties."

The purpose, design and effect of our Advisory Opinion Act being as stated, the inquiry is whether the Act is offensive to the Constitution of Alabama? If the Act is offensive to the Constitution of the State, then it is, of course, invalid, and the Governor is without authority to propound to the Justices any questions thereunder, and in consequence, no degree of obligation rests upon the Justices to consider questions propounded by the Houses or the Governor.

Is the Act constitutionally valid? As in all cases involving the constitutional validity of legislative enactments, they are regarded as presumptively valid, and the wisdom, policy or propriety thereof are not factors for consideration in determining their freedom from offense to the organic law.—*State ex rel v. Greene*, 154 Ala. 249, 254; *Fairhope Corporation v. Melville*, 193 Ala. 289, 305-6, citing earlier pronouncements. The public policy and design manifested and adopted through this Advisory Opinion Act concludes every person and every department of the State with respect to the wisdom and propriety of the subject matter of the Act. In *Sheppard v. Dowling*, 127 Ala. 1, 6, the statement of established principle was "that this court is thoroughly committed to the doctrine that the Constitution of the State, and the Constitution of the United States so far as it has any application, are not the sources of the Legislative power residing in the General Assembly of Alabama, nor in any sense grants of power to the Legislature, but only limitations upon that power, and that apart from the limitations imposed by those fundamental charts of government, the power of the Legislature has no bounds and is as plenary as that of the British Parliament. All which the General Assembly is not forbidden to do by the organic law, State or Federal, it has full competency to do."

The only sections of the Constitution of 1901 that are thought to contain provisions the Advisory Opinion Act might offend are Sections 42 and 43. These Sections read:

"Section 42. The power of the Government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another."

"Section 43. In the Government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial

powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men."

These sections distribute the powers of government to three distinct departments; and prohibit the exercise of one department of powers expressly or by necessary implication referred to another department, except in instances expressly directed or permitted. Section 43 is addressed to departmental restraint; differing materially, from the provisions of Section 2 of Article III of the Constitution of 1875, where the prohibition against the exercise of power belonging to either of the other departments, was addressed to a "person, or collection of persons, being of one of" the other departments. Under the just mentioned provisions of the Constitution of 1875, the inhibition was written in terms referable to persons or collections of persons; whereas the organic law of 1901 (Sec. 43) directs its restraint to the departments as such. The report of the Committee on Preamble, etc., in the Convention framing the present organic law (Journal p. 361), referring to Section 38 of the report (now Section 43 of the Constitution of 1901), characterized it (38) as a "new section, prohibiting the exercise by one department of the government of any of the functions of either of the other departments." Doubtless the drafting of the "new section" and the omission of already quoted Section 2 of Article III of the Constitution of 1875 was the result of the very instructive discussion given by Justice Head in *Fox v. McDonald*, 101 Ala. 51. The inquiry there under consideration was whether the Legislature could validly confer on the Judge of Probate—a judicial officer—the power to appoint police commissioners for the City of Birmingham. This question evoked the Court's consideration and construction of the pertinent provisions of Section 2 of Article III of the Constitution of 1875. The presently important pronouncements of constitutional law made in *Fox v. McDonald* (supra) were accurately stated in head notes 2, 3 and 4 as follows:

"2. Distribution of Powers.—All powers which are, by the constitution itself, expressly or by necessary implication, referred to the exclusive exercise of one of the several departments of government, must be exercised by that department, and cannot be, by legislation, conferred elsewhere."

"3. Nature of powers conferred not determinative of the department by which they are to be exercised.—The fact that certain powers and duties conferred by legislation partake of a legislative, executive or judicial nature, is not determinative of the department of the government by which such powers and duties are to be exercised."

"4. Same.—The Constitutional provision in regard to the distribution of the powers of government into three departments, and forbidding the exercise by an officer of one department of any act properly belonging to another, 'was not intended to declare that every act pertaining to government, and the regulation of the social and property rights of the citizens, should be exercised exclusively by the legislative, executive or judicial department, or some member of it, according as the act possessed a legislative, executive, or judicial character.'"

At the risk of unnecessary repetition it is to be observed that, in unmistakable effect, it was declared that even under the terms of Section 2, Article III of the Constitution of 1875—addressed as it was to "persons or collections of persons" belonging to other departments—the organic law of 1875 only restricted departmental functions to spheres prescribed in the Constitution, leaving to legislative selections, creation and discretion the means, including personnel, wherewith governmental functions outside of those assigned by the Constitution to a particular department, officer, body or functionary might be performed; and the further pronouncement was that the nature of the function contemplated by an enactment did not re-

strict, excluding other departments, the department to which the function or duty might be assigned for performance; unless the function or duty sought to be conferred or imposed by the enactment was expressly or by necessary implication in the Constitution referred to the "exclusive exercise" of a particular department or officer.

The Constitution contains no reference, expressed or implied, to advisory, consultative opinions by the Justices. Since the giving of such opinions by the Justices is not "the exercise of a judicial function," it is manifest that an act establishing this preservative practice is not the imposition of a judicial duty, or any character of detraction or subtraction from the distinctiveness and immunity from encroachment our Constitution assures to the Judicial Department. It results, necessarily, from the doctrine established through *Fox v. McDonald* (Supra) that the Legislature is not restrained from imposing or conferring upon a judicial officer, in his individual capacity as such, non-judicial duties or functions.

If, however, (for the occasion only), the proposition is accepted that the practice of requiring merely advisory, consultative opinions of the Justices upon important constitutional questions is a function "judicial in nature," the provision to be quoted from Section 139 of the Constitution of 1901 effects to directly authorize the Legislature to impose the stated duty and to regulate its performance; the judicial power (otherwise than therein prescribed) of the State may be exercised "by such persons as may be by law invested with powers of a judicial nature"—the Constitution being silent with respect to this particular function, viz: the giving of merely advisory opinions upon request of the Executive or the Houses of the Legislature. The effect of this provision was to clothe the Legislature with authority to invest persons—selected, without limitation in respect of personnel, as the Legislature in its discretion might conclude—with power judicial in nature. It is to be particularly observed that this authorization (Sec. 139) was not confined to "such persons" as belong to neither the Executive or Legislative Departments of State or who belong to the Judicial Department. There is significant omission from the provision of the word other in the phrase, "or such persons as may be by law invested" with power of a judicial nature; and this omission confirms the idea that the makers of the Constitution intended to repose in the law-making department the discretion to invest "such persons" as it chose with powers of a "judicial nature" that the organic law itself did not vest, exclusively, in some governmental agency, body or officer. In *State ex rel v. Burke*, 175 Ala., p. 567, of the expression under consideration these pertinent observations were made:

"Section 139 of the Constitution which names or prescribes the tribunals in which the judicial power of the State shall be vested names the Senate sitting as a court of impeachment, the Supreme Court, and circuit, chancery, probate, and such inferior courts as the Legislature may establish; and concludes by adding the phrase, 'and such persons as may be by law invested with powers of a judicial nature,' with certain conditions as to the establishment of such inferior courts, not here important to be discussed. The quoted and italicized provisions of Section 139 of the Constitution first appeared in the Constitution of 1875. Since the Constitution of 1875, the Legislature has had this express authority for conferring certain parts of the judicial power of the State—heretofore conferred or conferable only upon the tribunals or courts mentioned or provided for in the previous Constitutions of 1819, 1861, and 1865—upon certain designated persons."

Of this provision in Section 139 it was said, in response on rehearing in *State Tax Commission v. Bailey & Howard*, 179 Ala., p. 630:

"Section 139 of the Constitution of 1901 not only vests the judicial powers of the State in the officers therein enumerated, but also in such

persons as may be by law invested with powers of a judicial nature. Our present Constitution not only permits the Legislature to create a State Tax Commission, but authorizes it to be invested with judicial powers."

If the function prescribed in this Act is non-judicial in nature, the Constitution does not forbid its imposition upon or performance by individual officers who are "of the judicial department;" and, if, on the other hand, it is conceived that the function prescribed in this Act is of a "judicial nature," then its imposition upon or performance by individual officers who are "of the judicial department" is not offensive to any provision of the Constitution.—Const., Sec. 139; *State ex rel v. Burke*, 175 Ala. 561.

Does this Act, the preservative practice created thereby, manifest an effort or design to delegate, to subordinate, to qualify, or to detract from, the Legislative or Executive power or authority the Constitution of 1901 distinctively assigns to those departments of State?

The purpose and effect of the Act compels a negative response to the stated inquiry. As has been observed, this Act constitutes the Justices, in their individual capacities, the advisors, only, and alone when requested thereunder, of the Houses and the Governor in respect of "important constitutional questions" that those agencies of government encounter or anticipate in the performance or discharge of the functions of government. Neither the Act's design nor its effect is to invest the Justices with any character or quality of veto power. In terms the Act characterizes as completely inconclusive and inconcluding the responses contemplated. It provides: "The opinion of the Justices * * * shall not be binding upon the State or any department thereof, nor even upon the departments requesting it, or the Justices giving the opinion; but such opinions shall be advisory merely." The sources seeking the advice the practice intends are those charged with governmental duty; and this with respect to the observance of the Constitutions, Federal and State; to obey and observe which, as the highest laws, it is the oath-bound duty of all to do. The Act does not intend that Justices volunteer their advice. The Justices can only respond when requested thereunto by one of the Houses or by the Governor. If a House or the Governor do not desire the advice of the Justices, there is no obligation to propound a question to the Justices. If the response or responses, made as the Act contemplates, do not commend themselves to the propounder of the question or questions, the House or the Governor is not required, in any degree, to accept or heed the advice thus elicited by them from the Justices. No Legislative or Executive function, power or authority is or is sought to be by the Act reposed in the Justices. Their function is "advisory merely." Inconclusive and inconcluding upon the questioner, the responder, or any department, person, or officer. Obviously, in these circumstances, the Act manifests no effort, establishes no effect to qualify, delegate or subordinate, or to detract from any power or function with which the Constitution has invested either the Legislative or Executive departments or any officer or body attached to those departments.

The argument is advanced that this Act offends either Section 42 or 43, or both, quoted ante, through or by its effect to invoke, in advance of contestation, the opinions of the Justices—whose judgments become the voice of the Supreme Court of Alabama, of which they are members, in causes or proceedings brought within that court's constitutionally defined judicial power. Such was the view found acceptable in the response of the Minnesota Court.—10 Minn. 78. It is to be noted that the statutory requirement for opinion there sought to be made was as broad as the law itself, viz: "upon a given subject;" and was exacted of the court itself. and, alternatively, of the Judges. The responsive opinion, declaring the enactment

void. was "By the Court." The inquiry, the court remarked, was "communicated to the Court yesterday." The Court treated the enactment as constituting "the Supreme Court the advisers of the Legislature, nothing more." While alluding to the alternative exaction the enactment made of the Judges, the Court reprehended the expression of opinion, by either Court or Judges, in advance of appropriately invoked, authoritative consideration and adjudication by the court; thereupon, forthwith, without other invocation of the judicial function then exercised than a resolution of the Senate, declared with judicially pronounced finality, the enactment unconstitutional and void; and that it "therefore imposed (imposes) no duty on the Court" (*Italics supplied.*) The enactment there considered did not confine the questions propoundable, as does the Act under consideration, to "important constitutional questions;" questions, of that character, projected by the supreme, organic laws that all are expressly required to observe, to obey. It seems that the real basis of the Court's conclusion, apparently so hastily attained, was that the Legislature in Minnesota could not confer or impose either upon a court or a judicial officer the performance of a non-judicial function or duty; a doctrine inconsistent with the constitutional principles pronounced in *Fox v. McDonald*, *supra*, as shown by the accurate headnotes thereto reproduced ante. It is not to be supposed that the view prevailing with the Minnesota Court (10 Minn. 78) would have prevailed if that court had had under consideration a Constitution like Alabama's present organic law, and had found sound and acceptable the construction of this court accepted and ably maintained in *Fox v. McDonald*, *supra*. The same observations are applicable to expressions in *re Workmen's Compensation Fund*, 119 N. E. Rep. 1027, 224 N. Y. 13.

There are several reasons why the practice of invoking the merely advisory opinions of the Justices, in their individual capacities, cannot and will not operate to invite the Justices to pre-judge concrete causes or proceedings that may later come to the Supreme Court for decision. First: Such merely advisory opinions must often pertain to important constitutional questions that never can or will come to the Supreme Court's consideration and decision; this, to illustrate, in all cases where the Legislature or the Executive does no act projecting or raising the constitutional inquiry upon which an advisory opinion or opinions have been requested and given. Second: Since only one prejudiced by official Act or action can invoke the courts to judicially determine a constitutional question, it cannot be at all certain, that the subject of such advisory opinion will be presented for judicial determination in a cause or proceeding in the courts. Third: The decision by the Supreme Court upon the constitutional validity of a legislative enactment of an Act by the Executive always contains this important factor that is wholly absent in a response by the Justices to a request for a merely advisory opinion on the question, pending legislative or executive action, namely: that in judicially testing or determining the constitutionality of legislative or executive action the Supreme Court—in the discharge of its high and concluding judicial function—always enters upon such an inquiry with the presumption, suggested by the deference due from one department to another, that the other department has not ignored or violated the Constitution; and this judicial presumption requires the sustaining of legislative or executive act unless its invalidity appears beyond a reasonable doubt. In the observance of the practice this Act establishes, responses by the Justices would not at all involve recourse to or recognition of the stated presumption pending action by the interrogator on the subject of the advice sought. In these circumstances, no evoking of the judgment of the Justices in advance of contestation of any constitutional question in the Supreme Court itself is or would be effected by the practice the Act establishes.

Since the exercise by the Legislature, through this Act, of its discretion to create the Justices, in their individual capacities only, mere advisors on "important constitutional questions," manifests no offense to or violation of any provision of the Constitution, criticism of the choice of the personnel made by this Act for the performance of this non-concluding function, is referable, alone, to a matter of wisdom or policy that the Act, itself, concludes. Neither the Legislature nor the Executive have or enjoy any prerogative to ignore or violate the Constitutions. Indeed, obedience to the Constitution's provisions must be regarded as the desire, the purpose and intent of every department and officer in the government. The practice thus established evinces the highest permissible form of precautionary procedure to preserve constitutional government by invoking the advice of those thought to be peculiarly qualified to give, in advance of action, advice in respect of the Constitution's prescriptions; thereby manifesting a quickening sense of responsibility for submission and conformity to the Constitutions on the part of all who owe that supreme duty to the Governments.

The undersigned Justices, in their individual capacities, therefore conclude that the Advisory Opinion Act is not violative of the Constitution of Alabama; and having attained this conclusion, proceed to state the grounds upon which categorical responses are given to the questions propounded by the Governor under date of the 20th day of February, 1923.

THE QUESTIONS PROPOUNDED BY THE GOVERNOR.

The inquiries propounded by the Governor may be well resolved into this question of constitutional construction: has Section 93 of the Constitution been so altered by the so-called Port Amendment—ratified as an amendment of amended Section 93 in 1922—as to except seaport improvement from the general prohibition expressed in Section 213 of the Constitution against the State's creation or incurring of a "new debt," with presently unimportant exceptions therein prescribed? Within this more comprehensive statement of the inquiry is this question of constitutional construction: has Section 93 of the Constitution been so altered by the adoption of the Port Amendment as to except seaport improvement from the inhibition of Section 93 against the State's lending money or its credit in aid of that character of internal improvement?

The solution of these questions, the major as well as the more acute inquiries stated, requires, primarily, the construction of Section 93 as it is now, after the change that was wrought by its alteration through the Port Amendment in 1922; and, then, the determination of the effect, if any, of the present Section 93 upon the general prohibition in Section 213 against the incurring by the State of a "new debt" otherwise than as permitted in Section 213.

Before its amendment, first in 1908, Section 93 of the Constitution of 1901 read:

"Sec. 93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation."

The financial profligacy with which reckless officials had, prior to the Constitution of 1875, created obligations of the State induced the incorporation in that organic law of the general prohibition expressed in Section 213 and the particular, the comprehensive inhibitions expressed in the original Section 93. Except as restrained by the Constitutions, Federal and State, the Legislature's power and authority is plenary (*Sheppard v. Dowling*, 127 Ala. 1, 6); and, hence, if the fiscal affairs of the State were to be preserved from misadventure, mismanagement, and improvidence it

was considered necessary and desirable that the Legislative power should be restrained through the inclusion in the constitution of definite, unmistakable prohibitions against governmental act or action to which the depleted, if not bankrupt condition of the State's finances was naturally attributable in view of the then (1875) practically current events, and their well appreciated consequences to the menace of the State's financial welfare. Both the State's engaging in works of internal improvement or lending its money or credit in aid thereof and the State's extensions or grants of its credit or assurances in the promotion of private or corporate enterprises had contributed to the public conviction that was given avowal in what became, in 1901, Sections 93 and, in general, more comprehensive terms as to debts, without presently important material change, 213 of the Constitution.

Original Section 93 was a simple, clear prohibition against the State's doing the things prescribed therein. Its provisions were inhibitory only; a denial of power or authority to engage in such works; to lend the State's money or credit in aid of or to the designs, purposes or ends specified therein. In 1907-8, the people of the State determined to except, the only partially, from the inhibitory effect of the original Section 93 the public roads, an internal improvement that otherwise would have been within the prohibition of the original section; and, also in 1908, Section 93 was effectually amended by the addition to the original provisions of the terms italicized in this reproduction of Section 93 as it was amended:

"Section 93. The State shall not engage in work of internal improvement nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprises or lend money or its credit to any individual, association, or corporation, *provided that the State may under appropriate laws cause the net proceeds from the State convict fund to be applied to the construction, repair, and maintenance of public roads in the State and the Legislature may also make additional appropriations for that purpose.*"

It is noted that the exception of public roads from the prohibitory provision of original Section 93 was restricted to the first prohibition in the Section, namely, against the State's engaging in works of internal improvement; the sources from which the means to improve, etc., the *public roads* being so defined and limited as to exclude recourse to the *credit* of the State in any form or to otherwise afford the means that through *funds* of the State subject to *appropriation*. So, in 1908, the thus amended Section 93 became "to all intents and purposes" a part of the Constitution (Const. 1901, Sec. 284); and this was the content of the section (93) when the Legislature of 1919 formulated and submitted to electoral judgment the first (so-called) Port Amendment.—Gen. Acts 1919, pp. 908-9. The proposal then submitted was defeated at the polls. At the special session of the Legislature in 1921, an amendment was again proposed containing the authorization of seaport improvement, with the added feature of a limitation on the *cost* thereof. This proposal was adopted; and is now "to all intents and purposes" a part of the Constitution.—Const. Sec. 284.

It reads:

"Section 93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such, *except as may be authorized by the Constitution of Alabama or amendments thereto*; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto; but when authorized by laws passed by the Legislature the State may appropriate funds to be applied to the construction, repair, and maintenance of public roads, highways, and bridges in the State; and when

authorized by appropriate laws passed by the Legislature, the State may at a cost of not exceeding ten million dollars engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction, provided, that such work or improvement shall always be and remain under the management and control of the State, through its State Harbor Commission, or other governing agency. The adoption of this amendment shall not affect in any manner any other amendment to the Constitution of Alabama which may be adopted pursuant to any act or resolution of this session of the Legislature."

The proposal of 1921 was a revision in structure and, partially, in terms of the formal proposal of 1919. Among the changes made was the omission from the proposal of 1921 of the proviso, in that of 1919, whereby "the foregoing prohibitions" were declared inapplicable to the seaport improvement contemplated, thus exempting that particular character of improvement from the prohibitions, reiterated as from original Section 93, against the State's engaging in works of internal improvement or lending its money or credit in aid thereof. Had this proviso been repeated in the proposal (since adopted), it is manifest no real question could have arisen as to the intent of the amendment to free the contemplated seaport improvement from both the prohibition against engaging in such works and that forbidding the loan of the State's money or credit in aid of such works. In reconstructing the proposal the Legislature introduced two *exceptions*, so expressly named: this to take from without the respectively antecedent prohibitory clauses such special cases or instances "as," in the first exception, "may be authorized by the Constitution of Alabama or amendments thereto," and "as," in the second exception touching private or corporate enterprises, "may be expressly authorized by the Constitution of Alabama or amendments thereto." (*Italics supplied.*) Since the same Legislature framed both the proposal of 1919 and that of 1921 and were, in each instance, treating the same subjects, it is natural to suppose that a similar intent characterized each effort, except where, as in the limitation of *cost*, a different, the ancillary, purpose was expressed. The omission from the last, the adopted proposal, of the proviso declaring inapplicable the *foregoing prohibitions* and the insertion of the exception (the first) in the 1921 proposal evinces a degree, at least, of persistence in the Legislative mind of the *idea* set forth in proviso (in the 1919 proposal) declaring inapplicable to seaport development the *foregoing prohibitions*, necessarily including therein that forbidding the employment of the State's credit in aid of that internal improvement. The first exception's reference is to all therein preceding prohibitions restraining the State; but the exception's scope and effect is confined to such instances or occasions "as may be authorized by the Constitution of Alabama or amendments thereto." A comparison of this exception with the second exception, that introduced with respect to private or corporate enterprises, discloses that in the second instance the authorization is required to be *expressly* made; while the first exception, relating to the State's action, is not conditioned upon an *express* authorization, to the end stated. The omission to exact *express* authority, in Constitution or amendments thereto, as the condition to the operation of the first exception, while requiring *express* authority as the condition to the operation of the second exception, relating to private or corporate enterprises, evinces a discriminate intent to admit a character of authorization not necessarily express, in respect of internal improvement by the State, that would not suffice to answer the requisite prescribed in the second exception. So the first exception is met, may be invoked by an authority that is implicable from provisions in the Constitution or amendments thereto. It is not to be supposed that in so phrasing the proposal

the Legislature, or the electorate in voting thereupon, did not intend to prescribe a different expression and measure of authority in the two instances, one purely public and the other private or corporate, when exacting express authority in the latter instance and only *authority* in the former.

Does the amendment's provisions relating to seaport development evince an intent to free that internal improvement from the prohibition against the employment of the State's credit within the purview of the first exception, as we have interpreted it? A contrasting of the amendment's provisions authorizing the construction, etc., of public highways and bridges *with* the provisions authorizing seaport development requires affirmative response to the inquiry last stated. To provide efficient public highway and bridge facilities the sole authorization is to *appropriate funds*; whereas to accomplish seaport development the authorization takes the unmistakable form of a conference on the Legislature of the *power* "by appropriate laws" to authorize the State to *engage* in the work of developing, operating, etc., seaports within the State. In respect of public highways and bridges the sole authority given by this amendment is to pass laws *appropriating funds*. In respect of seaport development, etc., the authorization expressed in this amendment is to enact laws appropriate to the State's engaging in such work of internal improvement and operating the same under the exclusive management of the State or its governing agency. The power to enact laws appropriate to effectuate seaport development invests the Legislature with a discretion in the creation, use and employment of methods, measures and means that, so far as this amendment is concerned, is only restrained by the two limitations set forth in this amendment, namely, that the *cost* shall not exceed ten million dollars and that the improvement shall be and remain under the management and control of the State or an agency created by it. Any other construction of the amendment's provisions for seaport development would involve the obviously unsound process of reading to identical purposes and effects terms that simply authorize, for highway and bridge construction and maintenance, the *appropriation of funds* and terms that, to consummate a seaport development and operate this public facility, invest the Legislature with the stated discretionary power to *enact appropriate laws* to accomplish the State's engagement in seaport development and the operation of the facility under the exclusive control of the State or agency of its creation. The material difference in the amendments' treatments, authorizations of the two internal improvements—highways and bridges, on the one hand, *and* seaport development and operation, on the other hand—leave in no degree of doubt that the framers of the amendment did not intend that the method, measures or means to effect the former public purpose were those and those only permissible to accomplish the latter public purpose.

Such being the indubitable effect of the Amendment's provision for seaport development, it operates, under the terms of the first exception in the amendment, to afford the essential condition and to qualify the antecedent prohibition against the employment or loan of the State's money or credit in aid or effectuation of the seaport development contemplated, thereby completely excepting, exempting such development from the restraint that inhibition would otherwise have interposed.

From this construction of the amendment it results, necessarily, that by force of the terms of the amendment, in its phrase authorizing seaport development, distinct inconsistency, repugnancy to the general provision of Section 213, inhibiting the creation or incurring of a "new debt" by the State, except in the presently unimportant circumstances therein prescribed, is introduced. The discretionary power, in the special instance of seaport development, having been conferred on the Legislature to *enact appro-*

appropriate laws to accomplish seaport development—including, through the stated first exception, the exemption of such seaport development from the antecedently defined restraint against the employment of the State's credit—introduces into the Constitution the authority to employ the credit of the State to effectuate the public purpose; and the borrowing of money, the creation of *debt*, evidenced by bonds or otherwise, is a method and measure for the use or employment of the State's credit so committed by this amendment to the discretion of the Legislature to be exercised by the enactment of laws appropriate to the purpose and ends contemplated.

This amendment is the last expression of public will, upon a *special* subject of consideration and constitutionally invoked judgment in the premises. It must prevail over, operate a repeal or modification of any other inconsistent or repugnant elder provisions in the Constitution, to the extent such inconsistency or repugnancy exists.—12 C. J., p. 724, Sec. 96; Mayer, etc. v. Stonewall Ins. Co., 53 Ala. 570, 577; State v. Birmingham Southern Ry. Co., 182 Ala. 475, 491.

This provision for seaport development in this amendment accords special, exceptional treatment to that particular subject. In respect of such development, the amendment introduces into the Constitution provisions *special* in design and character, as distinguished from *general* provisions, of which class the broad prohibition, inhibiting the creation or incurring of "new debt" declared in Section 213, is an apt illustration. When general and special provisions of a Constitution—a *fortiori* where the special provision is introduced by amendment to the Constitution—are inconsistent or repugnant, special provisions must be accorded operation and effect to the extent of their scope, leaving the general provisions to apply to instances or occasions to which the special provisions are inapplicable.—12 C. J., p. 709.

The doctrines stated are invoked, their application required by the *special* provisions of this amendment to the Constitution with respect to seaport improvement when contrasted with the general provisions of Section 213 of the original Constitution prohibiting (with presently unimportant exceptions) the creation or incurring of "new debts." The amendment, in the particular that it treats the special subject of seaport development, removes that character of internal improvement, together with the *means*, money and credit, the Legislature, in its discretion, may employ, from the general inhibition of Section 213 of the Constitution.

The only argument, seriously proposable, in opposition to the views prevailing with the Justices signatory to the responses and to this opinion is predicable of this theory: amended Section 93 of the Constitution—in which both highway and seaport improvements are treated—refers in such terms to another or other proposals to amend the Constitution formulated and submitted at that special session (1921) of the Legislature that the "Road Bond Amendment" (Acts Sp. Sess. 1921, pp. 36-7), providing for highway, etc., improvement, is to be considered *pari materia* with the so-called Port Amendment; and that when considered in that relation, no satisfactory explanation appears for the Legislature's express provision for bond issues to accomplish highway improvements and the absence of such express provision for seaport development; wherefore it should be concluded that in the one instance (highway improvement) credit employment, through bonds, was the intent, and in the other (seaport development) no such intent was entertained; it not being expressly avowed.

The argument is untenable. If as has been stated upon what appears to be conclusive considerations, the Port Amendment expresses the intent ascribed to it, acceptance of the theory summarily recited would involve the ignoring or repudiation of the conceptions that a contrasting of the amendments' provisions for highway improvement *with* those, materially, fundamentally different, introduced to authorize seaport development, in-

escapably impresses: a process that would admit the merely argumentative to overbear and neutralize the more emphatic, impressive exceptional terms employed in this amendment to authorize seaport development. The conclusion required, as already stated, by the different authorizations in the two exceptional, special circumstances (highway improvement *and* seaport development)—differences that are manifest and actual, not simply inferable or deducible—is founded in impressive fact, and not, as the recited theory would propose, in inference or deduction only. Doubtless the addition to the Constitution of the distinct Article XVIII—The Road Bond Article—was suggested by the design to afford more definite, adequate treatment to the subject of highway improvement, because, among other reasons that might be advanced, of the desire to place beyond all doubt or cavil thereafter the securing for the State's highway system the advantage of Federal Aid to highway construction, etc., provided by the Act or Acts of Congress mentioned in the Alabama Act, adopted at the same Special Session, approved October 31, 1921.—Acts, Sp. Sess. 1921, pp. 54 et seq.

The foregoing are the conclusions upon which the individual Justices, signing below, affirm the validity and effect of the Advisory Opinion Act and respond as respectively specified to the several questions propounded by the Governor on the 20th day of February, 1923.

(Signed):

John C. Anderson,
Chief Justice.
Ormond Sommerville,
Lucien D. Gardner,
Thos. C. McClellan,
William H. Thomas,
As Associate Justices.

GOVERNOR'S MESSAGE.

On motion of Mr. Overton the reading of the foregoing message from the Governor was dispensed with and same referred to the Standing Committee on Seaports.

REPORT OF CODE COMMITTEE.

To the Senate of Alabama and the House of Representatives of the State of Alabama:

Mr. Speaker:

The Joint Committee of the Legislature of Alabama, appointed by the House and Senate thereof in pursuance of an Act of this Legislature approved January 31, 1923, to read the manuscript of the new Code prepared by Judge James I. Mayfield respectfully reports as follows:

That soon after your Committee was appointed it organized by electing Hon. Hugh D. Merrill, Chairman; Hon. Henry R. Howze, Chairman pro tempore; Mr. Oakley W. Melton, law clerk and Mrs. R. P. Coleman, stenographer.

Your Committee reports that it has read every section of the manuscript and compared it with the corresponding section of the Code of 1907, or of the Act of the Legislature which the section codified, and has "revised, amended and corrected it so as to make it a harmonious body of law as nearly perfect as possible," as required by the Act of the Legislature which provided for the creation and appointment of this Committee. Your Committee has incorporated into the manuscript Code all general acts passed by the Legislature at this present session, as required by the Act creating the Committee.

To the end that this might be done in the best manner possible, the Committee instructed the Code Commissioner to codify these general Acts, which he did and changed the manuscript necessitated to be changed by these recent Acts, and reported them back to the Committee, which has considered them in codified form, still further revising and amending the work of the Commissioner, and as revised and amended, the Committee has placed them in their respective and proper places in the manuscript.

The Committee has struck and omitted certain parts, chapters, articles, and sections of the manuscript prepared by the Commissioner whenever in the judgment of the Commissioner such matter should have been omitted from the Code in accordance with the Act providing for the codification of the laws and for the appointment of the Commissioner.

The Committee has also added to the manuscript some sections of the former Code which were omitted by the Commissioner from the manuscript wherever the Committee deemed it proper to retain such matter in the present Code.

The Commissioner and the Committee have omitted from the Code most of the Acts and statutes which by reason of their titles, bodies, nature and character, could apply to but one county, one municipality, or one other political subdivision of the State, though such statutes might, strictly speaking, be classed as general laws. To incorporate all these statutes in the Code would make it difficult, if not impossible, to ascertain or determine what was the general law of the State as to many subjects. Where the Acts thus apply to only one political subdivision of the State, it will be as convenient, or more so, to use the Act itself than to use the codification of it in the Code, and thus prevent confusion and uncertainty as to what territorial division of the State such laws apply.

All of the Acts, however, which could not be considered of a general nature and which, therefore, could not be incorporated in the Code, (the act of the Legislature authorizing the codification only of general laws), have been by section 10 of the Code and by various other provisions in the Code, as well as the Acts of the Legislature providing for the codification of the laws, which we have prepared for the adoption of this Code and for the printing, publication, binding and distribution of the Code, saved from repeal by the adoption of the Code, and therefore will remain in force and be given effect as if incorporated in the Code.

The Committee has not introduced into the Code any new matter which could be considered as wholly new laws or revolutionary; but it has confined its labors to the task outlined to it by the Act which created the Committee. In doing this, however, the Committee has done its best to reconcile all apparent conflicts, and to make definite and certain all ambiguous statutes, by striking out all parts of statutes and parts of the manuscript which were mere repetitions of other provisions and other parts of the Code.

The Committee has found it impossible to report separately or seriatim the various changes or corrections in detail which it has made of the manuscript. This for the reason that most of the changes are verbal, and in order to show these changes in detail the original statute or manuscript would have to be set out at length and then again the manuscript as revised set out at length, and be compared in order to show in detail the various changes so made by the Committee. This of course would require more time than either the Committee or Legislature has at its disposal; and from an examination of the reports of the various preceding committees which have reported the previous Codes of this State for adoption, we have found that these Committees, like this one, found it impracticable, if not impossible, to note each and all of the changes in detail.

In every instance in which the Committee was satisfied that a statute or a part of the manuscript was in conflict with the provisions of the

Constitution, or whenever a statute passed before the present Constitution has been of necessity revised or changed by the new Constitution, the Committee has endeavored to make the statute conform to the Constitution.

The Commissioner has been present with us during parts of our deliberations, and has attended when requested by the Committee so to do. The Commissioner has also furnished us with a printed copy of his report to the Governor and the Legislature, consisting of 185 pages, which report was found to be as full as could be made, and a fair outline of his work.

The Commissioner had inserted a number of new sections, consisting principally of definitions and codifications of some of the principles of the common law of this State, some few of which the Committee approved; but wherever the Committee was doubtful of the propriety or correctness of the new sections, they were stricken out by the Committee.

The Committee desires to take this occasion to commend the able, careful and painstaking work of Judge James J. Mayfield in the preparation of the manuscript for the Code. The Committee was also especially fortunate in having for its law clerk Oakley W. Melton, a member of the House of Representatives, whose accurate and indefatigable labors were of inestimable value to the Committee. The labors of the Committee have been greatly facilitated, and the Committee aided greatly by Mrs. R. P. Coleman, the stenographer, who assisted the Code Commissioner, not only in the preparation of the manuscript of this Code, but also of the Code of 1907. Her familiarity with the various statutes of this State during its entire history, as well as the changes wrought by codification, is nothing short of remarkable and wonderful. This remarkable storehouse of information on the subject with which the Committee was dealing, together with her untiring industry and fidelity to the work, has been of inestimable value to the Committee during its entire labors.

We have prepared and herewith submit a bill for the adoption of this Code and one for its publication, together with the Acts which this Legislature may pass as a part thereof, or to be incorporated therein, and recommend their speedy passage, so that advertisement may be made immediately for bids to publish the Code.

Respectfully submitted,

Hugh D. Merrill,
Henry R. Howze,
R. T. Goodwyn,
F. E. St. John,
Paul O. Luck,
Jacob A. Walker,
Young Wall

Frank B. Embry,
B. deG. Waddell,
W. C. Tunstall,
Chas. S. McDowell, Jr.,
Emmett F. Hildreth,
Wm. R. Rountree, Jr.

COMMITTEE REPORT AND ORDER TO PRINT.

On motion of Mr. Overton the reading of the foregoing report of the Code Committee was dispensed with and five hundred copies ordered printed for the use of the Senate.

APPOINTMENT OF SPECIAL CODE COMMITTEE.

Pursuant to S. R. 89, heretofore adopted, creating a special standing committee consisting of seven members to be appointed by the President and presiding officer of the Senate, to be known as the Code Committee, the President and presiding officer of the Senate announced the appointment of the following Senators as members of said Code Committee, viz.: Messrs. Waddell, Tunstall, Hildreth, Carlton, Brooks, Powell, Foster.

APPOINTMENT OF SPECIAL "SEAPORTS" COMMITTEE.

Pursuant to S. R. 90, heretofore adopted, creating an additional standing committee of the Senate to be known as the Committee on Seaports, consisting of five members, the President and presiding officer of the Senate appointed as members of said Committee on Seaports, Messrs. Craft, Adams, Garth, Johnson, Oliver.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Code Committee:

S. 213. To adopt a Code of Laws for the State of Alabama.
Code.

Also:

S. 214. To provide for the publication and distribution of the Code of Alabama.

Code.

By Mr. Hutson:

S. 215. To amend section 8 of an Act entitled "An Act to incorporate the Farmers Mutual Insurance Association of the State of Alabama.

Banking and Insurance.

Also:

S. 216. To amend section two of an Act, entitled "An Act to amend an Act approved September 25, 1915, entitled "An Act to provide for the appointment of an official court reporter by each circuit judge of Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases."

Judiciary.

By Mr. Brower:

S. 217. Submitting to the qualified electors of this State, at a special election to be held at the call of the Governor after ninety days from the final adjournment of this Legislature, for their consideration an amendment to the Constitution for the purpose of abolishing the lease system with reference to State and county convicts.

Finance and Taxation.

Also:

S. 218. To amend section 1 of article 1 and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among

adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board

of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

Finance & Taxation.

Also:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson county, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given, that the following bill or a bill in substance as follows, will be introduced at the present session of the Legislature:

A BILL

To be entitled An Act to create and establish an Inferior Court of Criminal and Civil Jurisdiction for that part of Jefferson County, Alabama, included within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55 as now constituted, to define the jurisdiction and powers of said court, the judge, clerk and other officers thereof; to provide for a place of holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for that part of Jefferson county, Alabama, included within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55 as now constituted, a court, which shall be known as and called "Bessemer Court of Misdemeanors" which said court is invested with and shall have and exercise within said precincts and territory original and final jurisdiction of all misdemeanors committed therein and concurrent jurisdiction with the circuit court of said county in misdemeanor cases, the same as is now or hereafter may be conferred by law on said circuit court, but shall try all persons charged with an offense without a jury; provided, however, that the jurisdiction of said court to try cases shall not include those offenses tryable in the juvenile court of said county, nor offenses for a violation of the prohibition laws; and said Bessemer Court of Misdemeanors shall have and exercise preliminary jurisdiction in all felony cases committed within said precincts or territory of said county that is now or hereafter may be conferred by law upon justices of the peace of said territory, or upon inferior courts created in lieu of justices of peace in said territory; and said Bessemer Court of Misdemeanors shall have and exercise jurisdiction in civil cases in said precincts or territory concurrently with justices of the peace of said territory. In the trial of defendants charged with felonies said court shall conform to and be governed by the rules, practice and procedure, and shall have and exercise the same power and authority as that now or that may be hereafter conferred on justices of the peace in said territory. In all cases wherein the defendant is charged with a misdemeanor over which said court has final jurisdiction as provided for in this Act, the trial shall be governed by the rules, procedure and practices that prevails in the trial of such cases in the county courts of this State. In the trial of civil cases in said court the said court shall be governed by the same rules, practice and procedure as governed such trials before justice of the peace in said territory. No prosecution shall be instituted in said court by indictment, but all prosecutions shall be commenced and all trials of criminal cases in said court shall be had upon affidavit and warrant in the same manner as such prosecutions are commenced and such trials had in the county courts of this State. A trial by a jury in said court cannot be had.

Section 2. That the judge of the Inferior Court of Bessemer, Alabama, shall be and shall act as the ex-officio judge of the "Bessemer Court of Misdemeanors." Any judge or person authorized to act as judge of said Inferior Court of Bessemer, shall by virtue thereof be authorized to and shall act as ex-officio judge of said Bessemer Court of Misdemeanors.

Section 3. That the said ex-officio judge of said Bessemer Court of Misdemeanors shall receive as compensation for his services as such ex-officio judge of said court the sum of one thousand six hundred (\$1,600.00) dollars per annum, payable in equal monthly installments out of the county treasury of Jefferson county, Alabama, upon the warrant of said ex-officio judge drawn upon the county treasurer of said county, which said compensation shall be in addition to his salary received for his services as judge of the said Inferior Court of Bessemer.

Section 4. That it shall be the duty of the board of revenue of Jefferson county, Alabama, to provide said court with all necessary blanks, stationery, dockets, books, a place for holding said court and supplies, including a seal.

Section 5. That the ex-officio judge of said court shall be a magistrate and conservator of the peace, may take affidavits and warrants in felony cases returnable before himself, or before any other magistrate having jurisdiction, and may take affidavits and warrants for misdemeanors directly returnable to himself in cases in which said court shall have final jurisdiction of the offense, or in cases where said court does not have final jurisdiction, to any court having final jurisdiction thereof, including warrants re-

turnable to the juvenile court of Jefferson county, Alabama. And in addition to the foregoing said ex-officio judge of said court may take directly returnable to any other court having jurisdiction thereof although this court has final jurisdiction of said misdemeanors. For his services as to all acts done by him said ex-officio judge is entitled to the same compensation as provided by law for justices of the peace in said territory in such cases, which compensation shall be collected as costs and shall be paid into the county treasury by said ex-officio judge or by the ex-officio clerk of said court, who shall collect and receive said costs. The costs and fees so collected shall not be the property of said ex-officio judge or said ex-officio clerk, but shall be the property of Jefferson county, Alabama, and said ex-officio judge and clerk shall receive for their services no other compensation than the salaries provided for them. The said ex-officio judge of said court shall have the power and authority to punish for contempt in cases where the judge of the circuit court of this State can punish for contempt by a fine, not exceeding fifty (\$50.00) dollars, and by imprisonment in the county jail not exceeding five days, one or both. The said court herein provided for and established shall be a court of record with a seal.

Section 6. That the clerk of the Inferior Court of Bessemer shall be and act as the ex-officio clerk of said Bessemer Court of Misdemeanors and as compensation therefor shall receive nine hundred (\$900.00) per annum, which shall be added to his salary received as clerk of said Inferior Court of Bessemer. In the event the business of said court becomes such as to justify it, the said ex-officio clerk, with the consent and concurrence of the board of revenue of Jefferson county, Alabama, may appoint a deputy clerk of said court, which said deputy clerk shall be entitled to and shall receive such compensation as the board of revenue shall prescribe, not in excess of nine hundred (\$900.00) dollars per annum, payable in equal monthly installments out of the county treasury of Jefferson county, Alabama, on the warrant of said ex-officio clerk approved by said ex-officio judge and said deputy clerk may be either a male or female. Said deputy clerk shall hold office at the will of said ex-officio clerk and shall perform such duties in connection with said office as said ex-officio clerk shall impose.

Section 7. The duties of said ex-officio clerk shall be to keep a record of all proceedings of said court. He shall keep in a book to be furnished by the board of revenue of Jefferson county, a properly arranged docket of all cases tried in said court including all examinations and felony on the date of the issuance and return of all process and a statement of the judgment rendered in the case, which shall be sufficiently clear to show what was done in the case, together with an itemized statement of the bill of cost and by whom paid. In all cases tried in said court and for all acts done in said court the same fees shall be taxed and collected as may now or hereafter be allowed by law in county courts of this State, except as herein otherwise provided. All costs, fines, forfeitures and penalties, when collected, shall by the ex-officio clerk of said court under the supervision of said ex-officio judge of said court be paid into the county treasury of said county, and such payments are required to be made at least once in each month.

Section 8. That all process of whatever nature or kind issued out of said court shall be addressed to the sheriff of Jefferson county, Alabama, or to any other lawful officer and shall be executed by said sheriff or lawful officer or deputy thereof. The said ex-officio judge of said court has the authority to require the sheriff of said county, or one of his deputies to attend upon the sessions of said court.

Section 9. That the deputy solicitor of the Bessemer Division of the Circuit Court of Jefferson county, Alabama, shall either in person or by deputy attend upon the sessions of said court and prosecute all criminal cases, regardless of whether it is a preliminary trial or otherwise. There shall be taxed as a part of the costs in each misdemeanor case tried in said court a solicitor's fee of \$5.00, which fee shall be collected as other costs

are collected in such cases and paid into the county treasury of Jefferson county, Alabama. The deputy solicitor of the Bessemer Division of the Circuit Court of Jefferson county, Alabama, is authorized to employ one assistant at a salary of not exceeding \$125.00 per month, payable out of the county treasury on the warrant of such deputy solicitor, to assist him in the prosecution of criminal cases in said court and to hold his office by appointment of and may be discharged by said deputy circuit solicitor.

Section 10. Each calendar month shall constitute a term of said court, except that after five days from the rendition of a judgment in any cause the said judgment shall be beyond the jurisdiction and out of the power of the court, the same as if the term of the court ended on said fifth day after the rendition of said judgment.

Section 11. That the court shall be opened at the discretion of the judge presiding over said court any day during the week except Sunday for the trial of offenses committed within the jurisdiction of said court, but no person shall be tried on the same day or the next day after his arrest without his consent: provided, the judge presiding over said court may in his discretion set apart certain days in each month for the trial of all misdemeanor cases in said court.

Section 12. That in the trial of cases before this court, there shall be no right to demand a trial by a jury, but the ex-officio judge of said court shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand and render such judgments in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense may be made other than that contained in the affidavit and warrant. That in the trial of misdemeanor cases the forms for proceedings in the county courts of this State, or substantially the same forms in so far as they are applicable to this court, may be used in cases tried in this court. In preliminary proceedings in felony cases and in civil cases the forms and procedure shall be the same or as nearly the same as practicable as that provided for such proceedings in justice courts in the territory over which this court has jurisdiction.

Section 13. That the judgment in case of conviction in cases tried by said court in substantially the following form: The State against A. B. (here state the offense charged by name). On hearing the evidence the court is satisfied of the guilt of the defendant and awards the following punishment (here state the punishment) and the costs of the proceedings: Ex-officio Judge of Bessemer Court of Misdemeanors. If the defendant is acquitted the judgment must be that the defendant is discharged. In preliminary hearings in felony cases and in the trial of civil cases the judgment shall conform as near as may be to the judgment in such cases in the justice courts of the territory over which this court has jurisdiction.

Section 14. That, upon a conviction of any defendant in a misdemeanor case in said court, the court shall have the right to suspend sentence whenever in the discretion of said court the same may be advisable, under such terms and conditions and for such time as may be prescribed by said judge for the ends of justice.

Section 15. That in addition to the power and jurisdiction herein conferred upon said court it shall have and it is hereby given authority and jurisdiction to sentence to perform hard labor for the county of Jefferson for the payment of fines and costs in the same manner and to the same extent as the circuit courts of this State have authority and jurisdiction so to do.

Section 16. This court shall have the power to set aside, vacate or modify its judgments rendered in all cases upon motion made within five days after the rendition of same, which said motion must be promptly determined; and this court may open for business and render default and other

judgments after 9 o'clock of each day, except Sunday, and all process of the court where no time is otherwise fixed shall be returnable at 9 o'clock a. m. of the return day.

Section 17. If the defendant fails to appear as required by his bond said court shall enter a forfeiture against him and his sureties, which may be in the following form:

State of Alabama

vs.

A. B., Defendant,

C. D. and E. F., his sureties.

IN THE BESSEMER COURT OF MISDEMEANORS.

day of

192

In this cause A. B. failing to appear and answer the charge against him for (here set out the offense), a judgment is entered against him and his said sureties, to-wit: _____ for _____ Dollars, (the amount of the penalty of the bond) in favor of the State of Alabama, for the use of Jefferson county, unless they appear at the next term of this Court, and show cause to the contrary; and it is ordered that notice issue to them.

Section 18. That all bonds returnable to said court where forfeitures have been taken, for failure of the defendant to appear, the said court shall have the authority to issue and shall cause to issue sci. fas. to the bondsmen, which shall be returnable in not less than thirty days from the date of issuance and upon final hearing the said court shall have the authority to pass upon the forfeiture, or make the same final, or take such other action in the circuit court of said county may be authorized to take in case of appearance bonds to said circuit courts.

Section 19. That any prosecution in said court, if it appear to the court that such prosecution is frivolous or malicious, the court shall, after hearing the facts, render summary judgment and tax the prosecutor or the person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit, he may confess judgment for the same with good and sufficient sureties, and failing to do so or to presently pay the same such person must be imprisoned in the county jail or sentenced to hard labor for Jefferson county for the payment of the same for such a term as may be required to pay the same not to exceed ten days.

Section 20. That witnesses in misdemeanor cases in said court shall be entitled to the same fees, to be collected in the same manner as is provided in like cases before the county courts in this State, and at the end of the trial or examination they shall receive a certificate of attendance from the clerk of said court, and if the said fees are not called for within three months after paid into said court, they shall be forfeited and paid into the treasury of said county. In preliminary investigations of felony cases and in trials of civil cases the witness fees shall be governed by the law applicable to justices of the peace in like cases in the territory over which this court has jurisdiction.

Section 21. That appeals from judgments rendered in said court in cases over which said court has final jurisdiction may be taken by the defendant in misdemeanor cases and by either the plaintiff or defendant in civil cases to the Bessemer Division of the Circuit Court of Jefferson county, Alabama, within five days after the rendition of such judgment; and in the manner as is provided by law for appeals to be taken from the county courts of this State, if a misdemeanor case, or from justice courts of the territory over which this court has jurisdiction, if a civil case, to the circuit courts of this State, and a jury may be had on demand of the defendant if a misdemeanor case, and on demand of either party if a civil case, as provided by law, and all appeals taken as herein provided for, shall be tried de novo and be preferred cases in said circuit court and shall be governed

in all respects by the rules and regulations provided by law for the trial of appeals in the circuit court from the county courts of this State, and from justice courts, as the case may be, in so far as the same may be applicable. In the precincts and territory named herein wherein said precinct and territory are now, under existing law or laws under jurisdiction of an inferior court created in lieu of justices of the peace as to the matters and parties as to which jurisdiction is conferred by this Act, the jurisdiction of such inferior court shall prevail as to such precinct and territory as to such matters and parties, and the jurisdiction of the court hereby created shall be excluded therefrom.

Section 22. That if any section, clause or provision of this Act shall be declared to be unconstitutional or held invalid, it shall not be held to affect any other section, clause or provision which is not in itself unconstitutional or invalid but such provision shall remain in full force and effect.

Section 23. That all laws and parts of laws, general, special or local in conflict with the provisions of this Act be and the same are hereby repealed.

Arthur Green,
Secretary Bessemer Bar Association.

State of Alabama, }
Jefferson County. }

Before me, Arthur Green, a Notary Public in and for said county in said State, personally appeared A. K. Williamson, the editor and manager of the Bessemer Advertiser, who being by me duly sworn, deposes and says that the foregoing attached notice was published in the Bessemer Advertiser, a weekly newspaper of general circulation published at Bessemer, Jefferson county, Alabama, for four (4) consecutive weeks, that is January 11th, 1923, January 18th, 1923, January 25th, 1923, and February 1st, 1923, and that he is the editor and manager of said newspaper, and that said notice was published without cost to the State.

A. K. Williamson.

Sworn to and subscribed before me this the 5th day of February, 1923.

Arthur Green.

My commission expires July, 1925.

(Seal)

By Mr. Adams:

S. 220. To amend section 2047 of the Code of Alabama as last amended.

Revision of Laws.

By Mr. Jones of Conecuh:

S. 221. To authorize and empower county boards of education and city boards of education to appropriate and use any district three mill tax that has been or may hereafter be voted in any school district to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

Revision of Laws.

Also:

S. 222. To amend sections 5881, 5882, 5886 and 5889 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Jones of Barbour:

S. 223. To provide for the distribution of the moneys collected by the levy of the "gasoline tax" now collected by authority of an Act approved Feb. 10th, 1923.

Finance & Taxation.

By Mr. Howle:

S. 224. To provide for the election, term of office and qualifications of county superintendents of education.

Local Legislation.

By Mr. Teasley:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate; and to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

Local Legislation.

RESOLUTION.

Mr. Jones of Barbour offered the following joint resolution, which was read and referred to the Standing Committee on Rules:

By Mr. Jones of Barbour:

S. J. R. 97. Whereas, it is brought to the attention of the Legislature of Alabama that Confederate cemeteries on Northern battlefields are receiving little care and maintenance, being permitted to grow up in weeds and trees, the graves becoming obliterated, and the sites of the cemeteries themselves in danger of being lost and forgotten to history.

~~And whereas, a people who hold in sacred remembrance the~~
valor and devotion of these heroes who fell in defense of their native southland, will not bear to see the last resting places of their gallant sons to remain longer in such condition as to reflect upon the esteem in which true Southrons regard them, and desire that their burial grounds be maintained in simple yet permanent style which will preserve for history a visible memorial of their gallant chivalry, and by a tender care of their burial couches giving expression to that esteem, and perpetuating for history a visible reminder to the heights to which true loyalty and patriotism could inspire a brave and chivalrous people,

Now, therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, That a legislative commission to consist of three members of the Senate and five members of the House be raised, to be appointed by the presiding officers of their respective bodies, whose duty it shall be to communicate to the other states of the Southland Alabama's desire to give decent care to Confederate cemeteries north of the Mason and Dixon line, to invite the co-operation of our sister states of the Southland, and of all such patriotic bodies as may be interested, make investigation of the probable cost of such a movement along plain and simple lines, and arrange with sister states the proper share of each state, and with patriotic bodies the amount which they may desire to raise, and embody such arrangement of a tentative program in a report to the Legislature of 1927; to the end that such Legislature may be advised of the scope of the work to be done, the amount of funds necessary, and the amount that should properly be borne by the several states interested, and the amounts which the several patriotic bodies might desire to contribute, to the end that the Legislature of 1927 may be fully advised on this subject and take such action as in their judgment they may deem wise.

REPORT OF UNDERWOOD COMMITTEE.

Pursuant to S. J. R. 80, heretofore adopted, creating a committee to invite Honorable Oscar W. Underwood, U. S. Senator from Alabama, to address a joint session of the Legislature during the month of July, 1923, Mr. Overton, chairman of said committee, reported that Mr. Underwood had consented to address such joint session on July 31, 1923.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has concurred in and adopted:

By Mr. Foster:

S. J. R. 87. Relative to placing a statue of General Joseph Wheeler, in Statuary Hall at Washington, D. C.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Ellis, the Senate concurred in and adopted the following amendment by the House to S. J. R. 87 set out in the foregoing message from the House, to-wit:

Amend by adding to end of third paragraph the following: "Showing General Wheeler in the uniform of a Confederate soldier."

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Overton
Bonner	Garth	Inzer	Pelham
Brooks	Griffith	Johnson	Powell
Brower	Harlan	Jones (Barbour)	Randall
Caffey	Hildreth	Jones (Conecuh)	Slone
Carlton	Horton	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Duncan	Hudgens	Oliver	Waddell
Ellis			

—33

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 34. To amend section 3627 of the Code of Alabama of 1907.

Said amendment being in words and figures as follows:

"Message to the Senate:

I herewith return to you Senate bill 34 without my approval. However, my objection to the bill is that the enrolled bill on the third line from the last at page one thereof appears the word "unlikely" which was evidently used and intended for the word "likely" as it appeared from an inspection of the original bill. The bill, if approved as enrolled, would authorize the taking or condemnation of lands "unlikely" to be flooded, whereas, the purpose and intention of the bill as originally introduced and as it passed both houses, was to authorize the taking of lands only which were "likely" to be flooded. The result is that each house has passed one bill and the presiding officers of the two houses have signed a different bill.

With this word "unlikely" changed to the word "likely" would meet my approval, as this is the only objection I find to the bill.

Respectfully,
Wm. W. Brandon,
Governor."

July 13, 1923.

By a vote of a majority of the whole number elected to the House; said vote being Yeas, 90; Nays, 0.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being Yeas, 90; Nays, 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith returned to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 86:

By Mr. Duncan:

S. J. R. 86. Relative to the appointment of a committee to make an investigation of all clerical work of the two houses.
And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

Under Senate joint resolution No. 86, heretofore concurred in and adopted, appointing a joint committee of the two houses to investigate the clerical work of the two houses, the Speaker names as committee on part of the House, Messrs. St. John, Tunstall and Long.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 123. To amend section 7616 of the Code of Alabama of 1907.

Also:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

And sends same herewith to the Senate without engrossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 123, to the Committee on Revision of Laws.

H. 299, to the Committee on Judiciary.

RESOLUTION.

Mr. Foster offered the following joint resolution:

S. J. R. 98. Resolved by the Senate, the House concurring. That when the Legislature adjourns today, it adjourn to meet Thursday morning at 10 o'clock.

Which was, under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate joint resolution 98, relative to adjournment of the two houses until Thursday, July 19th at 10 o'clock, and returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

By Mr. McNiel:

S. 28. To amend section 1188 of the Code of 1907.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. McNeil, the Senate concurred in the following amendment by the House to Senate bill 28, the title of which is set out in the foregoing message from the House, to-wit:

Amend said bill by adding thereto the following:

"The provisions of this Act shall not apply to cities operating under commission form of government."

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Pelham
Brooks	Garth	Inzer	Powell
Brower	Griffith	Johnson	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	McNeil	Tunstall
Duncan	Howle	Oliver	Waddell
Ellis	Hudgens	Overton	

—31

Nays:—None.

CONSIDERATION OF SPECIAL ORDER.

The hour of 3:00 o'clock having arrived, the Senate proceeded to consider the special order for this hour, which was the resolution:

H. J. R. 67. Resolved by the House, the Senate concurring.
~~That it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.~~

Mr. Teasley offered the following substitute for said resolution:

Be it resolved by the House, the Senate concurring, That it is the sense of the Legislature, that any changes made during the present session, in the law relative to the working of convicts, shall not become effective until submitted to the people at the next special or general State election for their ratification or rejection.

Mr. Foster moved that the substitute of Mr. Teasley be laid on the table, which motion prevailed and said substitute was tabled.

Yeas, 19; Nays, 14.

Yeas:

Messrs:				
Brooks	Foster	Johnson	Randall	
Caffey	Garth	Jones (Conecuh)	Slone	
Carlton	Harlan	Oliver	Tunstall	
Duncan	Hildreth	Pelham	Waddell	
Ellis	Howle	Powell		—19

Nays:

Messrs:				
Adams	Griffith	Inzer	McNeil	
Bonner	Horton	Jones (Barbour)	Overton	
Brower	Hudgen	Martin	Teasley	
Carmichael	Hutson			—14

The question then recurred on the adoption of the original resolution, H. J. R. 67, which was adopted.

Yeas, 20; Nays, 13.

Yeas:

Messrs:				
Brooks	Ellis	Hudgens	Powell	
Caffey	Foster	Jones (Conecuh)	Randall	
Carlton	Garth	Martin	Slone	
Carmichael	Harlan	Oliver	Tunstall	
Duncan	Hildreth	Pelham	Waddell	
				—20

Nays:

Messrs:				
Adams	Horton	Inzer	McNeil	
Bonner	Howle	Johnson	Overton	
Brower	Hutson	Jones (Barbour)	Teasley	
Griffith				—13

ADJOURNMENT.

At 5:15 P. M. on motion of Mr. Hildreth and pursuant to S. J. R. 98 heretofore adopted the Senate adjourned until Thursday morning at 10:00 o'clock.

TWENTIETH DAY.

Thursday, July 19, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

Prayer by Mr. Bealle of the House.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams

Ellis

Hutson

Overton

Bonner

Foster

Inzer

Pelham

Brooks

Garth

Johnson

Powell

Brower

Griffith

Jones (Barbour)

Randall

Caffey

Harlan

Jones (Conecuh)

Slone

Carlton

Hildreth

Martin

Teasley

Carmichael

Horton

Middleton

Tunstall

Craft

Howle

McNeil

Waddell

Duncan

Hudgens

Oliver

—35

A quorum of the Senate.

JOURNAL.

On motion of Mr. Waddell the reading of the Journal of yesterday was dispensed with and same approved.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Duncan:

S. 226. To regulate the sale, keeping for sale, offering for sale or having in possession, automobile casings, tires and inner tubes in the State of Alabama.

Revision of Laws.

By Mr. Duncan:

S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

Banking and Insurance.

By Mr. Hutson:

S. 228. To provide for and prescribe the method and manner of preparing bills of exception in causes appealed from any court

of record in this State, to either the Court of Appeals of Alabama or the Supreme Court of Alabama.

Judiciary.

By Mr. Griffith:

S. 229. To amend section 704 of the Code of 1907.

Public Health.

By Mr. Overton:

S. 230. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

Banking and Insurance.

By Mr. Overton:

S. 231. To validate and legalize elections heretofore held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

Education.

By Mr. Brower:

S. 232. To make appropriations for the upkeep and maintenance of a sanatorium for tuberculosis."

Finance and Taxation.

By Mr. Brower:

S. 233. To make an appropriation of \$200,000.00 for the purchase of land and erection of a sanatorium to be known as the Alabama Tuberculosis Sanatorium, and to be expended for the prevention and cure of tuberculosis, by the board of trustees of the Alabama Tuberculosis Sanatorium.

Finance and Taxation.

By Mr. Horton:

S. 234. To pay the town of Livingston for a school building and lot conveyed by said town of Livingston to the State of Ala-

bama for the State Normal School located at Livingston and which has not been paid for.

Finance and Taxation.

By Mr. Hudgens:

S. 235. To provide for the payment of expenses and compensation, for removing Nathan Cartright, from Fort Miles, Florida, to the jail at Troy, Alabama, and A. G. Odom, from Tampa, Florida, to the jail at Troy, Alabama, and the removal of both, Cart-right and Odom, from the jail at Troy, Alabama, to the jail at Montgomery, Alabama, incurred by S. M. Reeves, sheriff of Pike county, Alabama.

Finance and Taxation.

By Mr. Powell:

S. 236. To fix the salary of the deputy solicitor of Macon county at nine hundred dollars per annum, payable in monthly installments of seventy-five dollars, and to provide for the payment thereof.

Local Legislation.

With notice and proof thereto attached and herewtih exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced, and application will be made, at the adjourned session of the Alabama Legislature when it convenes in July, 1923, to pass a local Act for Macon county as follows:

To fix the salary of the deputy solicitor of said county at \$900 per annum, payable in monthly installments of \$75, to be paid out of the general fund of the county on warrant drawn by the probate judge of said county on the treasurer thereof, and payable on the 15th of each month.

A. B. Paine,

Deputy Solicitor of Macon Co.

The State of Alabama, }
Macon County. }

Before me, C. W. Hare, a Notary Public in and for said State and county, personally appeared J. A. Matthews, who being duly sworn deposes and says that he is editor and owner of the Tuskegee News, a newspaper published in said county, and that the appended notice was published for 4 consecutive times in said newspaper, beginning on the 7th day of June, 1923, and ending the 28th day of June, 1923.

J. A. Matthews

Sworn to and subscribed before me this 6th day of July, 1923.

C. W. Hare, N. P.

By Mr. Teasley:

S. 237. To authorize courts of county commissioners, board of revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to work county and State convicts anywhere within this State; to authorize the governing bodies of said counties to hire from the governing bodies of other counties county convicts, and to authorize the governing bodies

of said counties to hire from the State of Alabama convicts for the purpose of working them under the provisions of this Act; and to pay for such convict here, and to employ the necessary guards to prevent the escape of convicts, and to procure medical treatment for convicts so employed and to purchase the necessary cells, equipment, and to acquire by lease, purchase or condemnation proceedings lands or other property, real or personal, necessary to carry out the provisions of this Act; and to provide that the net proceeds derived from the working of said convicts shall be used for working, grading, building and maintaining the public roads and bridges of said counties.

Local Legislation.

By Mr. Ellis:

S. 238. To regulate primary elections in the State of Alabama.

Privileges and Elections.

By Mr. Foster:

S. 239. To create a building committee to be composed of members of the present Alabama Memorial Commission to contract for, to supervise the building of, and to be clothed with full authority and power for and in behalf of the State of Alabama to acquire land and provide a building to be known as the Alabama Memorial Building which building shall commemorate Alabama's part in the World War, and to consummate the form and design of the memorial as provided in Sec. 3 of the Act approved February 3, 1919 creating the Alabama Memorial Commission, and to provide an appropriation for the building, and to provide other necessary means for the erection of said building.

Finance and Taxation.

By Mr. Craft:

S. 240. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

Judiciary.

By Mr. Ellis:

S. 241. To amend section 11, of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such elec-

tions vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds."

Finance and Taxation.

By Mr. Ellis:

S. 242. To validate certain bonds heretofore or hereafter issued by municipal corporations in Alabama. Whereas section 11 of an Act approved August 26th, 1909, entitled "An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds" contains the following limitation, to-wit: "but no bond bearing six per cent interest shall run for a longer period than ten years."

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Foster, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Luck, Shelby County (with amendment):

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

By Mr. Craft:

S. 209. "To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy."

By Mr. Craft:

S. 206. To amend section 1 of an Act entitled an Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies—approved October 1st, 1920.

By Mr. Inzer:

S. 190. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

By Mr. Griffith:

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the probate office of the county in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

By Mr. Hutson:

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities

By Mr. Brooks:

S. 179. To provide for the rendition of declaratory judgments and decrees.

By Mr. Brooks:

S. 177. To further regulate the procedure in the circuit courts with respect to motions to set aside judgments or decrees and for new trials.

By Mr. Oliver (with amendment):

S. 165. To provide for the protection of orphanages in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

By Mr. Foster (with substitute):

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

By Mr. Foster:

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State treasury," approved Sept. 29, 1919.

By Mr. Inzer:

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this act; and repealing all laws or parts of laws in conflict herewith.

MOTION TO RE-COMMIT.

Mr. Jones of Barbour moved that the bill, S. 172, this day reported by the Judiciary Committee, the title of which is set out in the foregoing report of the Committee on Judiciary, be re-referred to the Standing Committee on Public Roads and Highways.

Mr. Ellis moved that the motion of Mr. Jones of Barbour be laid on the table, which motion prevailed and said motion was tabled.

Yeas, 23; Nays, 10.

Yeas:

Messrs:

Bonner	Ellis	Hutson	Powell
Brooks	Foster	Inzer	Randall
Caffey	Garth	Jones (Conecuh)	Teasley
Carlton	Griffith	Martin	Tunstall
Carmichael	Hildreth	McNeil	Waddell
Duncan	Horton	Oliver	

—23

Nays:

Messrs:

Adams	Harlan	Jones (Barbour)	Pelham
Brower	Howle	Overton	Slone
Craft	Johnson		

—10

REPORTS OF COMMITTEES RESUMED.

Mr. Powell, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis:

S. 200. To amend sections 1 and 2 of article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards

of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one-mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural schoolhouses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive finan-

cial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; ~~to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the main-~~

tenance and establishment of the Alabama School for Juvenile Negro Law-breakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

By Mr. Brower:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended. By Mr. Jones of Conecuh:

S. 221. To authorize and empower county boards of education and city boards of education to appropriate and use any district three-mill tax that has been or may hereafter be voted in any school district to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three-mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

By Mr. Howze:

H. 28. To ratify, confirm, validate and make legal, effective and binding a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921 term of the board of revenue held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or vouch-

er being signed by Lacey Edmundson, pro-tem president of said board of revenue, and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

By Mr. Smith of Jefferson:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Mr. Brooks, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate. And to require all of said judges of probate to pay

into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate, as other moneys belonging to said counties are paid.

By Mr. Martin (by request):

S. 184. To alter or rearrange the boundaries of the city of Dothan, Houston county, Alabama.

Mr. Ellis, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and resolution and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Burns:

H. J. R. 13. Creating a Recess Agricultural Committee.

By Mr. Brower:

S. 218. To amend section 1 of article 1, and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one-mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of at-

tendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among miners, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of ap-

pointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports, to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

By Mr. Craft:

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000), according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Mr. Oliver, chairman of the Standing Committee on Commerce and Common Carriers, reported that said committee, in

session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Oliver:

S. 192. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose, or purposes.

By Mr. Overton:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Mr. McNeill, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 211. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Mr. Craft, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fanning:

H. 231. To repeal an Act entitled "An Act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend section 1 of an Act entitled ~~An Act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof,~~ approved February 15, 1919," which amendatory Act was approved September 23, 1919.

ADVERSE REPORT.

Mr. Inzer, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and placed on the adverse calendar, to-wit:

By Mr. Henley:

H. 14. To provide for the election of county superintendents of education in each of the several counties of the State of Alabama, by the qualified electors of such county, to prescribe his or her qualifications and duties and to provide for the salary and compensations of such officer and to provide for the election of a county superintendent of education by the county board of education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

I am directed by the Governor to hand you herewith his message concerning the appointment of trustees to fill the vacancies occurring in the office of trustees of the Alabama Technical Institute and College for Women at Montevallo, Alabama.

Respectfully,
O. N. Wyatt,
Secretary to the Governor.

July 19, 1923.

MESSAGE FROM THE GOVERNOR.

To the Members of the Senate:

According to the provisions of article 25, section 1913, of the Code of 1907, vacancies in the offices of the trustees of the Alabama Technical Institute and College for Women at Montevallo, Alabama, shall be filled by appointment of the Governor, by and with the consent of the Senate.

I, therefore, herewith submit to you for your consideration and confirmation the following appointments for the Alabama Technical Institute and College for Women:

R. B. Evins, Greensboro, Alabama, 6th District, to succeed Mrs. E. L. Clarkson, of Tuscaloosa, Alabama, resigned, for the term ending January, 1939.

James B. Ellis, Selma, Alabama, 4th District, to succeed Lloyd M. Hooper, Selma, Alabama, deceased, for the term ending January, 1931.

Respectfully submitted,
Wm. W. Brandon,
Governor.

July 19, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Foster the Senate confirmed the appointment of the following trustees for the Alabama Technical Institute and College for Women, to-wit:

R. B. Evins, Greensboro, Alabama, 6th District, to succeed Mrs. E. L. Clarkson, of Tuscaloosa, Alabama, resigned, for the term ending January, 1939.

James B. Ellis, Selma, Alabama, 4th District, to succeed Lloyd M. Hooper, Selma, Alabama, deceased, for the term ending January, 1931.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Adams	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Caffey	Harlan	Jones (Conecuh)	Powell
Carlton	Hildreth	Martin	Randall
Carmichael	Horton	Middleton	Slone
Craft	Howle	McNeil	Tunstall
Duncan	Hutson	Oliver	Waddell
Foster	Inzer		

—30

Nays:—None.

MESSAGE FROM THE GOVERNOR.

To the Members of the Senate:

I herewith return to you Senate bill No. 78 relating to the shipping and sale of watermelons and prescribing penalty for the violation thereof.

I cannot give my approval to this bill in its present condition. I doubt the wisdom and policy of the bill even when it applies to intrastate shipments only. I am, however, willing to yield my judgment in this matter to that of the two houses which passed the bill, but in my judgment there is a constitutional objection which should be removed.

I, therefore, recommend that the bill be amended by adding at the end thereof the following proviso:

"Provided, that this Act shall not be construed to relate or apply to interstate shipments."

With this amendment I would be willing to approve the bill.

Respectfully submitted,

Wm. W. Brandon,

Governor.

July 19th, 1923.

GOVERNOR'S MESSAGE.

On motion of Mr. Martin the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 78. To provide for loading, shipping and sale of watermelons and prescribing penalties for the violation thereof.

Said amendment being set out in the foregoing message from His Excellency, the Governor.

Yeas, 28; *Nays*, 3.

Yeas:

Messrs:

Adams	Duncan	Hutson	Oliver
Brooks	Ellis	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Barbour)	Powell
Carlton	Harlan	Jones (Conecuh)	Randall
Carmichael	Horton	Martin	Slone
Craft	Howle	Middleton	Tunstall

—28

Nays:

Messrs:

Hildreth	McNeil	Waddell
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—3

Which was a majority of the whole number elected to the Senate.

And said bill, S. 78, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 21; Nays, 7.

Yeas:

Messrs:

Adams	Griffith	Johnson	Oliver
Brower	Harlan	Jones (Barbour)	Overton
Caffey	Horton	Jones (Conecuh)	Pelham
Carlton	Howle	Martin	Randall
Carmichael	Inzer	Middleton	Tunstall
Duncan			

—21

Nays:

Messrs:

Brooks	Foster	McNeil	Waddell
Ellis	Hildreth	Powell	

—7

Which was a majority of the whole number elected to the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the following enrolled bills and S. J. R. with the engrossed and original bills and S. J. R., respectively, and find same correctly enrolled, to-wit:

S. 28. To amend section 1188 of the Code of 1907.

S. 34. To amend section 3627 of the Code of Alabama of 1907.

S. J. R. 87. Relative to the State placing in the National Statuary Hall at Washington a statue, to the memory of General Joseph Wheeler, the expenses of which are to be borne by the family of General Wheeler.

C. E. Horton,
Chairman.

SIGNING OF BILLS AND RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution, the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Ashcraft of Lauderdale:

H. J. R. 73. Whereas, Senator Oscar W. Underwood will address the Legislature in joint session on July 31st.

Therefore, be it resolved by the House, the Senate concurring. That a reception committee is hereby created to be composed of the Lieutenant Governor, the Speaker of the House, one member of the Senate to be appointed by the presiding officer of the Senate, and two members of the House to be appointed by the Speaker of the House, and that the Governor be and is hereby requested to act as chairman of the said reception committee.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 73, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

BILL RETURNED AND RE-REFERRED.

Mr. Powell, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with recommendation that it be re-referred to the Standing Committee on Finance and Taxation, to-wit:

S. 220. To amend section 2047 of the Code of Alabama as last amended.

Pursuant to such recommendation, the President of the Senate re-referred said bill to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Cato:

H. J. R. 72. Whereas, since shortly after the close of the War Between the States, when brave men on both sides said the war should end, Alabama and her citizens have rivaled any State, North or South, in their efforts and sincere purpose to do all within their power to co-operate (in spite of all the sorrow and poverty that first existed) in the rebuilding of the Union, and in the restoration of peace, and to live up to the high principles of Americanism; thus making this country what our forefathers intended it to be—the glory of the world, and a blessing to all humanity; and evidencing these high principles this State has rendered its material and substantial services whenever called

upon by the National Government as in the days of the war with Spain, and in the dark days of the World War, and

Whereas, Mrs. Lillian R. Maugans, who is the Postmistress of the United States Post Office in the City of Eufaula is the author of the following letter:

Eufaula, Ala., May 31, 1923.

"Yesterday being Decoration Day, we drove over to Andersonville, about 80 miles through the country. The Eufaula people are the nicest in the world but when national holidays come I feel we are indeed strangers in a strange land, as we are the only Northern people in the city.

The postoffice being the only business closed for the day, these strictly Southern cities do not care to observe World War heroes' celebration on May 30, so they celebrate on April 26, I was obsessed with a longing to celebrate in the good old way. I longed to hear martial music and once more see the 'boys in blue' instead of gray marching to the cemetery. The nearest spot was the national cemetery at Andersonville, Georgia, so we left home right after dinner and got there at about 3 p. m.

To the daughter of a Federal soldier and the step daughter of the loyal J. W. Thatcher, who never tired telling us of the days of the Civil War when he fought in this part of the country, the sight was most wonderful—13,500 graves, each with its headstone bearing name and state of soldier, each one decorated by the ever grateful Uncle Sam with flag and flowers. The Superintendent gave me some roses to send my mother, when I told her she was the wife of two loyal Federal soldiers.

The different states have erected monuments all over the grounds and up there among the magnolias a few yards from the horrors of the prison camp they are sleeping in one of nature's most beautiful spots.

Down in the little town of Andersonville at the foot of the hill whereon is located the national cemetery whose flag may be seen for miles around stands the monument to the General Wirz, who, according to the Northern history, was the cause of all the misery and horror of Andersonville prison. In Southern annals, however, he is a hero, and this monument of a 'brave Confederate soldier.' During the World War, some soldiers painted the monument yellow and I am not ashamed to say I felt kinder glad they had the nerve' when I saw it yesterday. It just seemed a fitting color,"

Which said letter contains statements that are insulting to the South and her noble traditions, and which said letter contains statement which are insulting to true Americanism, and contrary to the ideals of patriotism fostered by our Government; and

Whereas, it is a source of shame and indignation to the citizens of this State to have a person who entertains such degrading and insulting ideas of our proud past and true patriotism, as an officer of one of our great Government Departments here in our midst.

Therefore, be it resolved by the House of Representatives, the Senate concurring, That the action and words of the said Mrs. Maugans are hereby heartily, severely and sternly condemned, and is hereby declared that said declaration on her part is unjustly insulting to the South and the National Government and is unpatriotic and un-American.

Be it further resolved, That the proper Governmental Department be urged to remove the said Mrs. Maugans as such officer for said words and action on her part—they being unbecoming to any good American Citizen.

Be it further resolved, That, the Secretary of State is hereby instructed to forward an exemplified copy of this resolution under the great seal of the State, to the President of the United States, to the Vice President of the United States, each Representative and Senator of the State of Alabama in our National Congress, and to the Postmaster General of the United States.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Adams, H. J. R. 72, set out in the foregoing message from the House was, under a suspension of the rules, adopted.

REPORT FROM RULES COMMITTEE.

Mr. Martin, chairman of the Standing Committee on Rules, reported that said committee in session had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

Also favorably:

S. J. R. 97. Relative to creating a Joint Legislative Commission to investigate the care of Confederate cemeteries north of the Mason Dixon Line.

And on motion of Mr. Martin the rules were suspended and the resolution concurred in and adopted.

Also favorably:

S. J. R. 96. Relative to inviting General John J. Pershing to address a joint session on his visit to Alabama.

And on motion of Mr. Martin the rules were suspended and the resolution concurred in and adopted.

RESOLUTION.

The Standing Committee on Rules reported the following Senate resolution:

S. R. 99. Resolved by the Senate of Alabama, That the rules of the Senate be amended so as to increase the membership of the Committee on Public Health by the addition of one member and that the President of the Senate be, and is hereby authorized to appoint said additional member.

Which was, under a suspension of the rules, adopted.

Pursuant to such resolution the President of the Senate appointed as such additional member on the Committee of Public Health, Mr. Harlan.

APPOINTMENT ON COMMITTEES.

Pursuant to the resignation of Hon. Roy L. Nolen from the Tenth District and the election and qualifications of Hon. A. L. Harlan to fill such vacancy, the Lieutenant-Governor and presiding officer of the Senate appointed Mr. Harlan as a member of the following standing committees, to fill the vacancies caused by the resignation of Mr. Nolen, to-wit:

On the Committee of
Revision of Laws,
Banking & Insurance,
Agriculture,
Municipalities & Municipal Organizations,
Public Roads and Highways.

NOTICE.

Mr. Overton gave to the Senate the following notice in writing:

Notice is hereby given as provided by Senate Rule 48 that a motion will be made to take House bill 14 from the Adverse Calendar and read the second time and placed on the regular calendar immediately after the call of standing committees on the 25th Legislative Day.

Overton.

BILLS TAKEN FROM CALENDAR AND RE-REFERRED.

On motion of Mr. Jones of Barbour, the bill:

H. 46. To amend sections 3615 and 3622 of the Code of 1907. Was taken from today's calendar and re-referred to the Standing Committee on Judiciary.

BILL ON THIRD READING.

The bill:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Horton	Middleton
Bonner	Ellis	Howle	McNeil
Brooks	Foster	Inzer	Oliver
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Tunstall
Carmichael	Hildreth	Martin	Waddell

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Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 66. To prohibit the having in possession, or use, or operation, of any automobile, automobile truck or motor vehicle of any kind with its motor number or serial number defaced or partially defaced; and to prescribe penalties for violation thereof.

Also:

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

Also:

H. 190. To amend section 7245 of the Code of Alabama, 1907.

Also:

H. 241. To amend section 3467 of the Code of Alabama.

Also:

H. 242. To authorize circuit court judges, where the judicial district is composed of one county and has but one judge, to appoint a regular court bailiff, and provide his term of office and salary.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read one time and referred to appropriate standing committees, as follows:

H. 60, 110, to the Committee on Judiciary.

H. 190, 241, 242, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 262. To further regulate the working of the public roads in Coosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL.

There will be a bill introduced in the next Legislature for the better working of the public roads of Coosa county, by having the Commissioners Court to pay superintendents of roads and scraping the roads where prepared.

This December 11, 1922.

State of Alabama, {
County of Coosa. }

Before the undersigned authority, in and for said county and State, personally appeared, A. Ayers, who, first being duly sworn, deposes and says, that he is editor and publisher of the Rockford Chronicle, a newspaper published at Rockford, in Coosa county; and that the above and foregoing advertisement attached hereto was published by him for four consecutive weeks in the Rockford Chronicle, appearing therein for the issues published on January 5th, 12th, 19th and 26th, 1923.

A. Ayers.

This January 29th, 1923.

(Seal)

Henry A. Teel,
Notary Public, Coosa County, Alabama.

Also:

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe County, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe County, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe County; providing for the duties of members of the Board of Revenue with reference to public roads and bridges of Monroe County; and prescribing penalties for violation of the provisions of the same.

With notice and proof attached hereto:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to establish a road law for Monroe County, Alabama. Also providing for a per capita tax in lieu of labor for the use of the public roads of Monroe County, Alabama, and for the assessment and collection thereof; also for the levying and collection of a license tax for vehicles and other motor driven trucks. Also providing for

the duties of the members of the Board of Revenue with reference to public roads and bridges of Monroe County, Alabama.

This the 9th day of January, 1923.

W. R. Blackwell,
Member Legislature from Monroe County.

The State of Alabama, }
Monroe County. }

Before me, a Notary Public in and for said State and County, personally appeared Q. Salter, publisher of The Monroe Journal, a newspaper published in said county, who being by me first duly sworn, deposes and says that the advertisement, a copy of which is hereto attached, was published in said paper for four consecutive weeks, that is to say, on January 11, 18, 25, and February 1, 1923.

Q. Salter.
Sworn to and subscribed before me this 5th day of February, 1923.
J. F. McCordey,
Notary Public, Monroe County, Alabama.

Also:

H. 292. To require all fines and forfeitures imposed by any court in Etowah County upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the County, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said County and fix penalties for the violation of the Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a local act applying to Etowah county only will be introduced for passage by the Legislature of Alabama at the adjourned session in July, 1923, which will require all fines imposed by any court of Etowah county upon conviction of any defendant for the violation of any State law and all forfeitures made final shall be paid in cash and within ten days from the time of collection to be turned over to the depository of the county funds to the credit of the fine and forfeiture fund of the county.

To require all certificates evidencing claims against the fine and forfeiture fund of the county to be registered separately from claims registered against said fund prior to passage of the act and be plainly marked "New Series," and otherwise registered as such claims have been heretofore registered, and to provide for the indorsement of certificates evidencing claims against said fund by the officer issuing the same, to limit the time within which such certificates shall be indorsed and registered, and to provide that seventy-five per cent of all money then or thereafter deposited to the credit of the fine and forfeiture fund of the county be set apart and paid to the holders of registered claims of the new series in the order of their registration including claims registered under the act approved August 16, 1919, and the other twenty-five per cent be paid to the holders of certificates registered against said fund prior to August 16, 1919; to provide for the cancellation of claims against said fund when paid, and for the auditing of the fine and forfeiture funds account by the court of county commissioners, and to authorize any surplus in said funds to be

appropriated to the road fund of the county; to require any cost collected after claims therefor have been registered against the fine and forfeiture fund to be paid over to the county depository to the credit of this fund, and to provide penalties for the violation of the order and the repeal of all laws in conflict, and to provide that the act shall take effect immediately upon its passage and approval.

W. F. Jeffers.

PROOF OF PUBLICATION.

State of Alabama, }
Etowah County. }

Personally appeared before me, O. B. Roper, a Notary Public in and for said county, A. W. McCouch, publisher of the Gadsden Evening Journal, a newspaper published at Gadsden in said county, who, being first duly sworn, states that the annexed publication has been regularly made in said newspaper once a week for four consecutive weeks.

A. W. McCouch.

Sworn to and subscribed before me this 29th day of May, 1923.

O. B. Roper,
Notary Public.

Also:

H. 297. To amend an Act entitled "An Act to create the office of revenue constable for Mobile County and to prescribe his duties," approved February 24, 1887, as amended by act approved February 11, 1893, and as amended by act approved August 2nd, 1907.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN.

Notice is hereby given that at the adjourned session of the Legislature of the State of Alabama, to be held in the City of Montgomery, Alabama, commencing on July 10, 1923, a bill will be introduced to amend the local legislation which provides for the joint election and pay, by the Board of Revenue and Road Commissioners of Mobile County, and the Board of School Commissioners of Mobile County, of a revenue constable for Mobile County; such amendment to strike out those portions of the said existing legislation which requires the said Board of School Commissioners to take part in the election and pay of the said revenue constable; to provide that the salary of the said revenue constable shall be such sum as the Board of Revenue and Road Commissioners may fix, not in excess of one hundred and twenty-five dollars per month; and to strike out, from the enumeration of the constable's duties, State and school licenses; so that under the law, as thus amended, the Board of School Commissioners of Mobile County will not be required either to join in the election of a revenue constable or pay any part of his compensation; the salary of the said revenue constable will be discretionary with the Board of Revenue and Road Commissioners with a maximum limit; and his duties will include the enforcement of county licenses only.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and County, this day personally appeared A. M. Wing, who is known to me and who being by me first duly sworn deposes and says that he is Auditor of The Mobile Register, Inc., publishers of The Mobile Register, a newspaper

published in said state and county; and that the attached notice of intention to introduce a bill to amend the Mobile County Revenue Constable law was published once a week for four consecutive weeks in the said Mobile Register, to-wit: June 12th, 18th, 25th, July 2nd, 1923.

A. M. Wing,
Auditor.

Subscribed and sworn to before me on this the 9th day of July, 1923.

(Seal) Nettie Chandler,
Notary Public, Mobile County, Alabama.

Also:

H. 298. To amend Section 15 of an Act approved September 25th, 1915 to establish a Board of Revenue for Monroe County, Alabama, and prescribing for the members thereof all the duties of the Court of County Commissioners of said County; to provide for the appointment and fix the term of office of the members of said Board of Revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature of Alabama to amend Section 15 of the Local Acts of 1915, page 398, providing for the establishment of a Board of Revenue for Monroe County and the election of its members so as to change the manner and time of electing members of the Board of Revenue of Monroe County, Alabama, so that the members of said Board shall be nominated and elected by the voters of their respective districts, instead of by the voters of the county as a whole, and further so as to provide that the members of said Board elected from districts one and three at the general election in 1924 shall be elected for a term of two years, and that the members elected at said election from districts two and four shall be elected for a term of four years.

This the 11th day of January, 1923.

W. R. Blackwell,
Member Legislature, Monroe County.

PROOF OF PUBLICATION

I, Q. Salter, Editor and owner of Monroe Journal, a weekly newspaper published at Monroeville, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit: January 11th, 1923, to January 18th, 1923; January 25th, 1923, to February 1st, 1923.

Q. Salter,
Editor and Owner, Monroe Journal.

Subscribed and sworn to before me this 3rd day of July, 1923.

J. F. McCorvey,
Notary Public, Monroe County, Ala.

Also:

H. 304. To provide for the election of a County Treasurer for Blount County, Alabama, to fix the time of election, to name the maximum salary per year, to fix term of office.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

The State of Alabama, }
Blount County. }

To whom it may concern:

Notice is hereby given that a bill will be introduced at the next sitting of the Legislature of the State of Alabama, when it reconvenes in July, 1923, providing for the election of a County Treasurer in and for the County of Blount in said State at the regular or general election to be held in said county in the year 1924, the said treasurer to be elected for a term of four years, and until his successor is elected and qualified.

That the salary of the said treasurer shall not exceed the sum of \$800.00 per annum, and shall be fixed by the Court of County Commissioners of said county, and approved by the Judge of Probate of said county, and that he shall give bond in and to a sum and conditioned as now required by law.

Done at Oneonta, Alabama, this 4th day of April, 1923.

W. Y. Adams.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the Southern Democrat, a newspaper published in Oneonta, Alabama, and that the attached notice of intention to introduce a bill in the Legislature of Alabama providing for the election of a county treasurer of Blount county, was published for three consecutive weeks in said newspaper, commencing on the 12th day of April, 1923, and ending on the 26th day of April, 1923.

F. G. Stephens,
Publisher.

Sworn to and subscribed before me this 5th day of July, 1923.

(Seal) F. A. Hearn,
Register.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 262, 274, 292, 297, 298, 304, to the Standing Committee on Local Legislation.

RECESS.

At 12:00 noon on motion of Mr. Inzer the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION.

Thursday, July 19th, 1923.

The Senate re-assembled at 3 o'clock P. M., Lieutenant Governor McDowell presiding.

ROLL CALL.

Present:

Mr. President, and

Messrs:

Adams	Garth	Inzer	Overton
Bonner	Griffith	Johnson	Pelham
Brooks	Harlan	Jones (Barbour)	Powell
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Slone
Carlton	Howle	Middleton	Teasley
Ellis	Hudgens	McNeil	Tunstall
Foster	Hutson	Oliver	Waddell

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A quorum of the Senate.

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

I am transmitting to you herewith for your consideration and confirmation the trustees of the Department of Archives and History, as submitted by the Director, Mrs. Thomas M. Owen.

Respectfully submitted,
Wm. W. Brandon,
Governor.

July 19, 1923.

July 18, 1923.

The Honorable, the Senate of Alabama.

Gentlemen:

I have the honor to transmit, as Secretary of the Board of Trustees and Director of the Alabama State Department of Archives and History, the names of the persons set out below, duly elected as trustees of the said department, for the districts and for the terms named, in accordance with the Act of establishment, approved February 27, 1901, and now constituting in part section 796 of the Code of Alabama, 1907, as follows:

~~First District, Hon. Joseph H. Lyons, of Mobile, to succeed Dr. Edwin Craighead, resigned, for term ending January 1, 1927.~~

Second District, Hon. R. Tyler Goodwyn, of Montgomery, to succeed Hon. J. Manly Foster, removed from the district, for term ending January 1, 1927.

Third District, Hon. Chauncey Sparks, of Eufaula, to succeed Hon. William D. Jelks, removed from the district, for term ending January 1, 1927.

Fourth District, Edward W. Pettus, of Selma, to succeed Col. Sam Will John, deceased, for term ending January 1, 1929.

Fifth District, Hon. William L. Lancaster, of Wetumpka, re-elected for term ending January 1, 1929.

Sixth District, Judge Henry B. Foster, of Tuscaloosa, re-elected for term ending January 1, 1929.

Seventh District, Hon. L. B. Rainey, of Gadsden, to succeed Hon. Oliver D. Street, resigned, for term ending January 1, 1925.

Tenth District, Hon. J. H. Bankhead, Jr., of Jasper, to fill membership created by the Legislature of 1923, for term ending January 1, 1929.

These several names are submitted to you for confirmation, or for such other action as you may deem proper in accordance with law.

Very respectfully,
(Mrs.) Marie B. Owen,
Secretary and Director.

GOVERNOR'S MESSAGE.

On Motion of Mr. McNeil the Senate confirmed the election of the following named persons as trustees of the Department of Archives and History for the terms, and for the district named below, in accordance with the Act approved February 27, 1901, to-wit:

First District, Hon. Joseph H. Lyons, of Mobile, to succeed Dr. Erwin Craighead, resigned, for term ending January 1, 1927.

Second District, Hon. R. Tyler Goodwyn, of Montgomery, to succeed Hon. J. Manly Foster, removed from the district, for term ending January 1, 1927.

Third District, Hon. Chauncey Sparks, of Eufaula, to succeed Hon. William D. Jelks, removed from the district, for term ending January 1, 1927.

Fourth District, Edward W. Pettus, of Selma, to succeed Col. Sam Will John, deceased, for term ending January 1, 1929.

Fifth District, Hon. William L. Lancaster, of Wetumpka, re-elected for term ending January 1, 1929.

Sixth District, Judge Henry B. Foster, of Tuscaloosa, re-elected for term ending January 1, 1929.

Seventh District, Hon. L. B. Rainey, of Gadsden, to succeed Hon. Oliver D. Street, resigned, for term ending January 1, 1925.

Tenth District, Hon. J. H. Bankhead, Jr., of Jasper, to fill membership created by the Legislature of 1923, for term ending January 1, 1929.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Bonner	Harlan	Johnson	Overton
Brooks	Hildreth	Jones (Barbour)	Pelham
Brower	Horton	Jones (Conecuh)	Powell
Caffey	Howle	Martin	Randall
Carmichael	Hudgens	Middleton	Slone
Duncan	Hutson	McNeil	Tunstall
Ellis	Inzer	Oliver	Waddell
Garth			

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Nays:—None.

LEAVE OF ABSENCE.

Was granted Mr. Pelham for tomorrow.

ADJOURNMENT.

At 3:15 P. M. on motion of Mr. Ellis the Senate adjourned until 10:00 o'clock tomorrow morning.

TWENTY-FIRST DAY.

Friday, July 20th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

Prayer by Rev. Dr. Hubbard of Montgomery.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeil	Waddell
Duncan	Hudgens	Oliver	

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A quorum of the Senate.

JOURNAL.

On motion of Mr. Teasley the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Duncan:

~~S. 242 To create a Bureau of Insurance for the State of Alabama,~~
 bama, in lieu of the Department of Insurance; defining the duties and powers of such bureau; providing for the necessary officers and employees for such bureau, and fixing their compensation; defining their duties and powers; and vesting such bureau and officers with all the authority now exercised by any other department and any other officers pertaining to the insurance business in this State, thereby relieving such other departments and officers of all duties and responsibilities relating or pertaining to the insurance business in the State of Alabama.

Banking and Insurance.

Also:

S. 244. To repeal sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.
Banking and Insurance.

Also:

S. 245. To amend an Act entitled "An Act to create the office of State fire marshal, and to provide for the appointment of deputy marshals and assistants, to define their powers and duties and to fix their compensation; provide ways and means for the enforcement of this Act and penalties for violation thereof; and to provide means for defraying the expenses incurred under the provisions hereof," approved September 30, 1919.

Banking and Insurance.

Also:

S. 246. To prohibit derogatory statements in regard to insurance companies, and to provide punishment therefor.

Banking and Insurance.

By Mr. Adams:

S. 247. To propose an amendment to the Constitution of Alabama permitting the town of Thorsby, Alabama, to levy such rate of taxation for public improvements as shall be voted by the qualified electors of said town.

Constitution and Constitutional Revision and Amendments.

The above bill was read at length as required by the Constitution.

By Mr. Waddell:

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Judiciary.

Also:

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

Judiciary.

By Mr. Garth:

S. 250. To regulate contracts between employer and employee, and to impose a penalty for the violation thereof.

Judiciary.

By Mr. Hildreth:

S. 251. To regulate the assignment of unearned salaries and wages of persons in the State and to prescribe conditions under which such assignments may be made.

Judiciary.

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

With notice and proof thereto attached and herewith exhibited, as follows:

Notice is hereby given that, at the adjourned session of the Legislature of the State of Alabama to be held in the city of Montgomery, commencing on July 10, 1923, a bill will be introduced to amend Act of the General Assembly of Alabama, approved February 15, 1876, and entitled "An Act to Regulate Public Schools in the County of Mobile," by amendment of section 7 thereof so as to relieve the county superintendent of education from the duty of collecting and disbursing the revenue of the board of school commissioners of Mobile county; and by adding a new section to the said Act, which new section will empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and his salary; and which new section will also prescribe the duties of the said treasurer and will require him to execute a bond for the faithful performance thereof.

Before me, Nettie Chandler, a Notary Public in and for said State and county, this day personally appeared W. M. Fincher, who is known to me and who being by me first duly sworn deposes and says that he is secretary-treasurer of the Mobile Register, Inc., publishers of the Mobile Register, a newspaper published in said State and county; and that the attached notice of bill to relieve county superintendent of education from collecting and disbursing the revenue of the board of school commissioners of Mobile county appeared in the said Mobile Register once a week for four consecutive weeks, to-wit: in the issues of June 30th, July 2nd, 9th and 16th, 1923.

Subscribed and sworn to before me on this the 16th day of July, 1923.

By Mr. Brower:

S. 253. To prohibit, after September 30th, 1925, the hiring or leasing of State and county convicts to any person, firm or corporation, and to provide a penalty therefor.

Finance and Taxation.

By Mr. Brower (by request) :

S. 254. To prohibit any person from fraudulently obtaining possession of an automobile by hiring or renting same with intent to convert it to his own use and converting same; providing punishment therefor; and providing that evidence of such conversion be prima facie evidence of fraudulent intent to convert at time possession obtained.

Judiciary.

By Mr. Brower (by request) :

S. 255. To prohibit the knowingly use of or knowingly suffering the use of an automobile, hired or obtained from another for a lawful purpose or business, to be used, for the purpose of the removal or transportation of prohibited liquors in violation of the laws of Alabama. And to provide the punishment for the violation thereof.

Judiciary.

Also (by request) :

S. 256. To prohibit any person from hiring or renting an automobile with intent to convert same to his own use—providing punishment therefor; and providing that the removal of same from the State of Alabama without the consent of the owner shall be prima facie evidence of intent to convert at the time of the hiring or renting.

Judiciary.

Also (by request) :

S. 257. To prohibit the hiring or renting of an automobile with intent to defraud; to fix the punishment for the violation thereof; and to prescribe a rule of evidence in prosecutions thereunder.

Judiciary.

Also (by request) :

S. 258. To prohibit the hiring of an automobile with intent to injure or defraud its owner; to prohibit an automobile obtained under written contract of hire from being used for a different purpose or business or greater length of time than for which hired; to prevent the use of same in violation of the criminal law of the State of Alabama; to provide punishment therefor; and to prescribe a rule of evidence in prosecutions thereunder.

Judiciary.

Also (by request) :

S. 259. To prevent any person who hires or rents an automobile from taking or removing same or causing or allowing same to be taken or removed out of the State of Alabama without the consent of the owner, not intending to return same to its owner; providing punishment therefor; and providing that such taking

or removal from the State of Alabama shall be prima facie evidence of the intent not to return same to its owner.

Judiciary.

By Mr. Hutson:

S. 260. To amend section 21 of an Act entitled, "An Act to amend sections 1 and 2 and 5 of an Act entitled, "An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal sections 31 and 32 of an Act entitled, An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911," approved February 15, 1915.'"

Banking and Insurance.

Also:

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

Banking and Insurance.

Also:

S. 262. Authorizing a bank or trust company doing a banking business to pay the deposit of a deceased depositor, dying intestate, having a deposit therein of not more than one thousand dollars (\$1,000.00) to (1) the husband or wife, (2) if no competent husband or wife, to the children (3) if no competent children, to the competent father or mother of the depositor, (4) if no competent husband or wife, or children or parent, then to the brothers and sisters of depositor.

Banking and Insurance.

Also:

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within sixty days after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

Banking and Insurance.

Also:

S. 264. To amend section 14 of an Act entitled, "An Act to amend sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohib-

ited acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Banking and Insurance.

Also:

S. 265. To protect a bank paying checks drawn upon it by a depositor, notwithstanding the insanity, death or bankruptcy of the depositor intervening the drawing of the check and such payment, the bank at the time having no knowledge of such happening.

Banking and Insurance.

Also:

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

Banking and Insurance.

Also:

S. 267. To prohibit any bank or trust company doing a bank-in business in this State from making any voluntary contributions to any cause or for any purpose whatsoever.

Banking and Insurance.

By Mr. Ellis:

S. 268. To establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Judiciary.

With notice and proof thereto attached and herewith exhibited as follows:

BILL FOR INFERIOR COURT.

Notice is hereby given that at the next session of the Legislature of Alabama in July, 1923, a bill to establish an inferior court in precinct 36,

Selma, Dallas county, Alabama, will be presented for passage. Said bill is in substance as follows:

A bill to be entitled an Act to establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justice of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom, to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge, and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of the peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace court in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Be it enacted by the Legislature of Alabama.

Section 1. That there is hereby established an inferior court in precinct number 36 in Dallas county, Alabama, which shall be known and designated as "The Court of Common Pleas of Selma," and which shall be in lieu of all justices of the peace and notaries public with power of justice of the peace, in said precinct. It shall have the jurisdiction now held by justices of the peace or that may hereafter be conferred by law on justices of the peace, or on said court, and the judge of said court shall have and exercise all the power and authority and perform all the duties now prescribed by law, for justices of the peace in said precinct. Said judge shall have the same rights and privileges and the same disabilities and penalties as now apply by law to justices of the peace.

Section 2. Be it further enacted, that there shall be a judge of said court, said judge shall at the time of his election or appointment be a resident of Dallas county, Alabama, be at least twenty-one years of age and shall within the State of Alabama have been admitted to the practice of law. The first judge of said court shall be appointed by the Governor of Alabama and such appointee shall hold his office until the regular election for State and county officers in the year 1924 and until his successor is elected and qualified. The said judge of said court shall hold office for a term of four years, and until his successor is elected and qualified.

Section 2. Be it further enacted, that at the regular election for State and county officers in the year 1924 and each four years thereafter, there shall be elected a judge of said court by the qualified electors of said precinct 36. All vacancies in the office of said judge of said court shall be filled by appointment by the governor, and such appointee so appointed shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. Be it further enacted, that such office shall be considered a county office within the meaning of election and other laws of Alabama.

Section 5. Be it further enacted, that the judge of said court shall receive a salary of eighteen hundred dollars per annum, payable monthly out of the inferior court fund upon warrant drawn upon the county depository by the probate judge of Dallas county, Alabama. In the event there is not sufficient money in said fund to pay the salary of the judge within any particular month, the said judge shall be entitled to draw out of said fund in any month that sufficient funds are in said inferior court funds any back salary that may be due, provided, however, that no salary shall be paid any judge after his term of office has expired, unless there be a sufficient amount of money in said inferior court fund at the time of the expiration of his

office. No money shall be paid out of said fund except for salary of said judge and expenses of said court.

Section 6. Be it further enacted, that the judge of said court shall give bond in the penal sum of two thousand dollars payable to the county of Dallas, and conditioned to faithfully discharge the duties of his office, which said bond shall be approved by and filed in the office of the probate judge of said county, and also conditioned to pay over all money to the proper officer or persons to whom it is payable, and to faithfully account for all money coming into his hands by virtue of his office.

Section 7. The sheriff, coroner or special and deputy county solicitor shall perform the same duties in relation to the said court of common pleas as now devolve on them by law in relation to the circuit court of Dallas county, Alabama.

Section 8. It shall be the duty of the judge of said court to keep a docket of all the cases brought before this court such as is now required by law to be kept by all justices of the peace. The judge shall have authority to issue all necessary summons upon complaint being filed, in said court and all other process which justices of the peace are required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said court. It shall be the duty of said judge to tax and collect in each case the same costs and fees for the services of judge, sheriff and witnesses as are provided under the laws of Alabama for justices of the peace and sheriffs. The sheriff's fees collected by said court shall be paid to the sheriff on the first Monday of each month. Any money paid to said judge on judgments rendered in said court shall be paid to the plaintiff or his attorney on demand. All the costs and fees allowed the judge of said court and all the witness fees and all fines and forfeitures assessed in said court shall be collected by the said judge and all the fees allowed the judge and all fines and forfeitures collected by said judge shall be paid by said judge on the first Monday of each month into a special fund of the county treasury to be known as the inferior court fund which is hereby created and which the custodian of county funds shall keep separate and apart from all other funds of said county provided that the witness fees assessed and collected by the judge shall be retained by him and paid over to the witness entitled to the same. Any witness fees in hands of said judge uncalled for within one month after receipt by him shall be paid by him into said inferior court fund.

Section 9. The witnesses in all cases in said court shall be entitled to the same fees, to be collected in the same manner by the judge of said court and paid over to him by the witnesses entitled to the same as provided in like cases before justices of the peace by the laws of the State of Alabama.

Section 10. The fees allowed constables and sheriffs in said precinct for service in justice of the peace courts shall be taxed and collected as now provided by law in each case, and paid over by said judge to the sheriff of Dallas county, Alabama, as hereinbefore provided.

Section 11. All processes of whatever kind or nature issued out of said court shall be addressed to any lawful officer of Dallas county, and shall be executed by the sheriff of Dallas county, Alabama, or one of his deputies.

Section 12. From any judgment of said court the defendants in criminal cases or the plaintiffs or defendants in civil cases shall have the right of appeal to the circuit court of Dallas county under the same regulations and requirements as now govern appeals from the courts of justices of the peace in the State of Alabama, and the bond furnished or required in such cases shall be governed by the same laws as now regulate appeals from the courts of justice of the peace in the State of Alabama.

Section 13. The forms to be used in said court shall be the same as prescribed by the Code of Alabama of 1907 for justices of the peace, but they shall not be the exclusive forms used, and any forms sufficient at common law or under the statute, or any forms provided in said Code for similar or

analogous proceedings in said court. All dockets, printed forms, and other stationery required by the said court shall be furnished and paid for by the county of Dallas out of the said inferior court fund on warrant drawn by the probate judge of Dallas county, Alabama.

Section 14. Each month after the payment of the salary of the judge of said court, and other expenses of said court, the probate judge of Dallas county, Alabama, shall issue a warrant to the sheriff of Dallas county, Alabama, for any fees due him in criminal cases where the costs have not been paid and the defendant has performed hard labor for Dallas county; provided that said warrant shall not be for more money than is left in said inferior court fund and in no event shall be for more than fifty dollars in any one month.

Section 15. The judge of said court shall be permitted to practice law in all courts provided, however, that said judge shall not practice in the said court of common pleas of Selma and shall not practice in any case originating in or passing through the said court of common pleas of Selma.

Section 16. All laws affecting or regulating the practice in courts of justice of the peace of Dallas county shall be applicable to the court hereby established, and all certificates of judgment of said court may be recorded as now provided for certificates of judgment of justices of peace. Said judgments shall be a lien when recorded as now provided for justice of the peace judgments in Dallas county, Alabama.

Section 17. It shall be the duty of the court of county commissioners of Dallas county to provide a proper place for holding said court and to provide for the comforts and necessary blanks, stationery, dockets and books which shall be paid for out of said inferior court fund on warrant drawn by the probate judge of Dallas county, Alabama.

Section 18. Be it further enacted, that thirty days after the approval of this Act the terms of office of all justices of the peace in said precinct 36 shall expire and said office of justice of the peace in said precinct shall be abolished, and the dockets, official papers and records of all kinds of their respective offices shall be delivered to the judge of the court of common pleas of Selma by said justices and all causes pending in said justice courts shall be by such delivery transferred to the said court of common pleas, and executions and other process for the collections of judgments of said justice courts may be issued from said court of common pleas including executions for costs, and upon the collection of costs in any case accrued before said transfer the judge of said court of common pleas shall pay said costs to the justice of the peace or constable entitled thereto and shall take a receipt therefor, which shall be entered on the docket of said cause.

Section 19. Be it further enacted, that at the expiration of thirty days after the approval of this Act the terms of office of all justices of the peace and notaries public with powers of justice within the said above described territory shall expire, and said office of justice of the peace be abolished in the said precinct, and there shall hereafter be no justices of the peace elected or appointed for the said precinct and no notaries public with powers of justice of the peace and the said court of common pleas created by this Act shall be in lieu of all the justices of the peace or notaries public with powers of justice of the peace in the said precinct.

Section 20. In the event that the judge of said court is for any reason disqualified from acting or in the event of the absence from the city of said judge, the judge of probate of Dallas county, Alabama, shall appoint an acting judge to try such cases as the judge of said court may be disqualified to try and in the event of the absence from the city of said probate judge, the judge of the circuit court of Dallas county, Alabama, shall appoint said acting judge.

Section 21. If any section or provision of this Act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or con-

stitutionality of any other section or provision therein which is not in and of itself void or unconstitutional.

Section 22. All laws and parts of laws, general, local, or special, contrary to the provisions of this Act are hereby repealed.

The State of Alabama, }
The County of Dallas. }

Before me, M. E. Frohlich, a Notary Public in and for said county and State, this day personally came F. T. Raiford, known to me to be the editor and publisher of the Selma Times Journal, a daily newspaper published in Selma, Dallas county, Alabama, who being by me first duly sworn deposes and says that he is the editor and publisher of the Selma Times Journal, a daily newspaper published in Selma, Dallas county, Alabama; that the attached notice to establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace and notaries public with power of justice of the peace was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

F. T. Raiford.

Sworn to and subscribed before me this 18th day of July, 1923.

M. E. Frohlich,

Notary Public, Dallas County, Alabama.

(Seal)

By Mr. Randall:

S. 269. To provide for the proper display of the United States flag and the flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Education.

By Mr. Bonner:

S. 270. To prohibit any person, firm or corporation from operating certain entertainments or amusements on Sunday where an admission fee is charged or received, or where any contribution or donation is accepted for admittance to such entertainment or amusement, to provide penalties and punishments for violation thereof, and to repeal all laws, general, local, special, or municipal in conflict with the provisions hereof, and to fix the time when this Act shall become effective.

Temperance.

By Mr. Garth:

S. 271. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State Highway Fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide

for the creation of a State Highway Commission, defining its powers, duties, and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources.”
Public Roads and Highways.

ORDER TO PRINT.

On motion of Mr. Garth, 250 copies of the above bill, S. 271, were ordered printed for the use of the Senate.

By Mr. Hutson:

S. 272. To amend section 1074 of the Code of Alabama.

Revision of Laws.

By Mr. Inzer:

S. 273. To amend section 3 of article 2, section 1 of article 3, section 2 of article 3, section 24 of article 3, section 1 of article 6, section 3 of article 7, section 8 of article 12, section 5 of article 15, section 1 of article 16, section 3 of article 20, section 2 of article 24, section 3 of article 24, section 7 of article 24, section 10 of article 24, and section 2 of article 40 of an Act entitled “An Act to provide a complete educational system for the State of Alabama * * *, approved September 26, 1919.

Education.

REPORTS OF COMMITTEES.

Mr. Foster, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Carmichael:

~~S. 162. To amend section 4224 of the Civil Code of Alabama of 1907.~~

By Mr. Brower:

S. 195. To declare what is unfair discrimination by producers, distributors or dealers in petroleum or any of its derivatives, or motor oils or fuels; to prohibit the giving by any such producers distributors or dealers, to any of its customers in this State of any rebate or special price or furnishing, selling, renting without a reasonable charge therefor pumps or fixtures used in the sale or distribution of such commodities to one or more of its customers, for the purpose of injuring or destroying the business of a competitor, or creating a monopoly and to make it unlawful

for such producers, distributors or dealers to engage in, or be a party to any combination or conspiracy to fix or control the prices of any such commodities, and to fix the punishment and penalties for the violation of the provisions of this Act.

Mr. Brooks, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sessions:

H. 6. To provide for the election of a county superintendent of education for Coffee county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

By Mr. Hutson:

S. 164. To provide for the institution and prosecution of misdemeanors in the county court of Morgan county otherwise than by indictment by the grand jury, or by affidavit made before the judge of said court.

By Mr. Foster:

S. 166. To authorize the board of city commissioners of the city of Tuscaloosa to vacate and close to public travel, or use portions of certain avenues and streets, and certain alleys, in said city, described as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a

continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south; that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city,

which is bounded on the east by lots numbers 383 to 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street on the south.

By Mr. Foster:

S. 167. To authorize the board of city commissioners of the city of Tuscaloosa to vacate and close that portion of 22nd avenue in said city which lies between 12th street on the north and 13th street on the south.

By Mr. Craft:

S. 208. To amend an Act entitled "An Act to create the office of revenue constable for Mobile county and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

By Mr. Brower:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson county, Alabama, included within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

By Mr. Henley:

H. 13. To provide for the residence of persons who are elected as members of the county board of education of Escambia county, and to designate or create the district in which each member of said board shall reside, and from which they shall be elected.

By Mr. Henson:

H. 149. Empowering the clerk of the circuit court of the county of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the judge of the county court.

By Mr. Patterson:

H. 174. To relieve the tax assessor of Morgan county from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

By Mr. Sessions:

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws, general, special or local

in conflict with the provisions of this Act insofar as they relate to Coffee county, Alabama.

By Mr. Dowdle:

H. 236. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

Mr. Inzer, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwyn:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

ADVERSE REPORT.

Mr. Brooks, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Howle:

S. 224. To provide for the election, term of office and qualifications of county superintendents of education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Long:

H. J. R. 74. Resolved by the House, the Senate concurring, That when the two houses adjourn today they adjourn to meet Tuesday, July 24, at 2 o'clock P. M.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Foster the Senate concurred in and adopted H. J. R. 74 set out in the foregoing message from the House.

RESOLUTION.

Mr. Tunstall offered the following Senate resolution:

S. R. 100. Resolved by the Senate, That the President of the Senate is hereby directed to reply to the telegram of Mr. Pat O'Keefe, of Dallas, Texas, and thank him in the name of the Sen-

ate for his kind telegram in regard to our Senior Senator, Hon. Oscar W. Underwood.

And the rules were suspended and said resolution adopted.

BILL REPORTED AND RE-REFERRED.

Mr. Brooks, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

S. 168. To enlarge and extend the boundaries of the corporate limits of the city of Tuscaloosa, Alabama.

Mr. Foster moved that said bill be re-referred to the Standing Committee on Local Legislation, which motion prevailed and the President of the Senate re-referred said bill, S. 168, to the Standing Committee on Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House resolution:

By Mr. Ashcraft of Lauderdale:

H. R. 175. Resolved, That the House recall the joint resolution creating a reception committee for the occasion of the visit of United States Senator Underwood, and his address to the joint assembly.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Ellis the Senate concurred in H. R. 75, set out in the foregoing message from the House, and the Secretary was instructed to return to the House said House joint resolution No. 73, now in the Senate Rules Committee, and said resolution is herewith returned to the House for further consideration.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 78. To provide for loading, shipping and sale of watermelons and prescribing penalties for the violation thereof.

The Governor's message containing the proposed amendment, being in the following words and figures, to-wit:

MESSAGE FROM THE GOVERNOR.

To the Members of the Senate:

I herewith return to you Senate bill No. 78 relating to the shipping and sale of watermelons and prescribing penalty for the violation thereof.

I cannot give my approval to this bill in its present condition. I doubt the wisdom and policy of the bill even when it applies to intrastate shipments only. I am, however, willing to yield my judgment in this matter to that of the two houses which passed the bill, but in my judgment there is a constitutional objection which should be removed.

I, therefore, recommend that the bill be amended by adding at the end thereof the following proviso:

"Provided, that this Act shall not be construed to relate or apply to interstate shipments."

With this amendment I would be willing to approve the bill.

Respectfully submitted,
Wm. W. Brandon,
Governor.

July 19th, 1923.

By a vote of a majority of the whole number elected to the House, said vote being Yeas, 86; Nays, 0.

And the bill, S. 78, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being Yeas, 79; Nays, 0.

And the bill, S. 78, together with the amendment of His Excellency, the Governor, is returned herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

The bill:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Was taken up.

The Standing Committee on Judiciary offered the following amendment to said bill, to-wit:

Amend section 1 by striking out word "as" in the 6th line and substituting in lieu thereof the word "with."

Which was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Harlan	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slonge
Carlton	Horton	McNeil	Tunstall
Craft	Howle	Oliver	Waddell
Ellis	Hutson	Overton	

—27

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 30; Nays, 1.

*Yeas:**Messrs:*

Adams	Ellis	Hutson	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Harlan	Martin	Slone
Carlton	Hildreth	McNeil	Tunstall
Craft	Horton	Oliver	Waddell
Duncan	Howle		

—30

Mr. Middleton—1.

The bill:

S. 209. To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy.

Was read a third time at length and passed.

Yeas, 22; Nays, 1.

*Yeas:**Messrs:*

Brower	Garth	Hutson	Powell
Carlton	Griffith	Martin	Randall
Craft	Harlan	Middleton	Slone
Duncan	Hildreth	McNeil	Teasley
Ellis	Horton	Oliver	Waddell
Foster	Howle		

—22

Nays:

Mr. Pelham—1.

The bill:

S. 206. To amend section 1 of an Act entitled an Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

Was read a third time at length and passed.

Yeas, 25; Nays, 2.

*Yeas:**Messrs:*

Bonner	Foster	Hutson	Oliver
Brooks	Garth	Johnson	Randall
Brower	Griffith	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Craft	Horton	Middleton	Tunstall
Duncan	Howle	McNeil	Waddell
Ellis			

—25

Nays:

Messrs:

Adams

Pelham

—2

The bill:

S. 190. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner

Foster

Inzer

Pelham

Brooks

Griffith

Johnson

Powell

Brower

Harlan

Martin

Randall

Caffey

Hildreth

Middleton

Slone

Carlton

Horton

McNeil

Teasley

Craft

Howle

Oliver

Tunstall

Ellis

Hutson

Overton

Waddell

—28

Nays:—None.

On motion of Mr. Griffith a further consideration of the bill:

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the probate office of the county in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

Was postponed until the next Legislative Day without losing its place on the calendar.

The bill:

S. 184. To alter or rearrange the boundaries of the city of Dothan, Houston county, Alabama.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Nays:

Messrs:

~~Adams~~~~Ellis~~

Inzer

Overton

Bonner

Garth

Johnson

Pelham

Brooks

Griffith

Jones (Barbour)

Powell

Brower

Harlan

Jones (Conecuh)

Randall

Caffey

Hildreth

Martin

Slone

Carlton

Horton

Middleton

Teasley

Craft

Howle

McNeil

Tunstall

Duncan

Hutson

Oliver

Waddell

—32

Nays:—None.

The bill:

H. 231. To repeal an Act entitled "An Act to create a county highway commission for Walker county, Alabama, and to define

the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend section 1 of an Act entitled 'An Act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Adams	Garth	Hutson	McNeil
Bonner	Griffith	Inzer	Oliver
Brooks	Harlan	Johnson	Overton
Brower	Hildreth	Jones (Barbour)	Pelham
Caffey	Horton	Jones (Conecuh)	Randall
Carmichael	Howle	Martin	Teasley
Craft	Hudgens	Middleton	Waddell
Ellis			

—29

Nays:—None.

The bill:

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Nays:

Messrs:

Adams	Craft	Horton	McNeil
Bonner	Ellis	Howle	Oliver
Brooks	Foster	Hutson	Pelham
Brower	Garth	Inzer	Powell
Caffey	Griffith	Johnson	Randall
Carlton	Harlan	Jones (Barbour)	Slone
Carmichael	Hildreth	Middleton	Teasley

—28

Nays:—None.

The bill:

S. 179. To provide for the rendition of declaratory judgments and decrees.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Adams	Carlton	Foster	Hildreth
Brooks	Carmichael	Garth	Horton
Brower	Craft	Griffith	Hutson
Caffey	Ellis	Harlan	Inzer

Johnson	Middleton	Pelham	Teasley
Jones (Barbour)	McNeil	Powell	Tunstall
Jones (Conecuh)	Oliver	Randall	Waddell
Martin	Overton	Slone	

—31

Nays:—None.

The bill:

S. 177. To further regulate the procedure in the circuit courts with respect to motions to set aside judgments or decrees and for new trials.

Was read a third time at length and passed.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Overton
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Powell
Caffey	Harlan	Jones (Conecuh)	Randall
Carlton	Hildreth	Martin	Slone
Carmichael	Horton	Middleton	Teasley
Craft	Howle	McNeil	Waddell
Duncan			

—33

Nays:—None.

On motion of Mr. Overton the further consideration of the bill:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Was postponed until the next Legislative Day without losing its place on the calendar.

The bill:

S. 165. To provide for the protection of orphanages in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Was taken up, and on motion of Mr. Griffith said bill and the pending amendment thereto were postponed until the 25th Legislative Day without losing their place on the calendar.

BILL POSTPONED AND ORDERED PRINTED.

On motion of Mr. Foster the bill:

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State

Highway Fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance, of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Was postponed until the next Legislative Day without losing its place on the calendar, and two hundred and fifty copies thereof ordered printed for the use of the Senate.

BILLS ON THIRD READING RESUMED.

The bill:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same: To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate: And to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Adams
Brooks
Brower

Caffey
Carlton
Carmichael

Craft
Duncan
Ellis

Foster
Griffith
Harlan

Hildreth	Martin	Pelham	Teasley
Horton	McNeil	Randall	Tunstall
Jones (Conecuh)	Oliver	Slone	

—23

Nays:—None.

The bill:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their power, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:			
Messrs:			
Adams	Duncan	Horton	Oliver
Bonner	Ellis	Howle	Pelham
Brooks	Foster	Inzer	Powell
Brower	Garth	Johnson	Randall
Caffey	Griffith	Martin	Slone
Carlton	Harlan	Middleton	Teasley
Craft	Hildreth	McNeil	Tunstall

—28

Nays:—None.

The bill:

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State treasury," approved Sept. 29, 1919.

Was read a third time at length and passed.

Yeas, 29; Nays, 1.

Yeas:			
Messrs:			
Bonner	Carlton	Duncan	Garth
Brooks	Carmichael	Ellis	Griffith
Brower	Craft	Foster	Harlan

Hildreth	Johnson	McNeil	Randall
Horton	Jones (Conecuh)	Oliver	Slone
Howle	Martin	Pelham	Teasley
Hudgens	Middleton	Powell	Tunstall
Inzer			

—29

Nays:

Mr. Waddell—1.

The bill:

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

Was read a third time at length and passed.

Yeas, 26; Nays, 4.

Yeas:

Messrs:

Adams	Duncan	Howle	Oliver
Bonner	Ellis	Hudgens	Pelham
Brower	Foster	Inzer	Powell
Caffey	Griffith	Johnson	Randall
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Horton		

—26

Nays:

Messrs:

Garth	Middleton	Slone	Waddell
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—4

Messrs. Brooks, Hutson, and McNeil each moved that they be excused from voting on the above bill, which motions were granted and the gentlemen were excused from voting on said bill.

The bill:

S. 200. To amend sections 1 and 2 of article 29 of an Act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State superintendent of education and to fix his

compensation; to provide for the organization of the State department of education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education; to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural schoolhouses and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high school may obtain assistance from the State, and to authorize such county high schools to receive ~~financial assistance from county boards of revenue; boards of education; school districts or private sources;~~ to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance

upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment, the length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to re-

quire private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted heretofore. Approved September 26, 1919.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Oliver
Bonner	Garth	Inzer	Pelham
Brower	Griffith	Johnson	Powell
Caffey	Harlan	Jones (Conecuh)	Randall
Carlton	Horton	Martin	Slone
Carmichael	Howle	Middleton	Teasley
Duncan	Hudgens	McNeil	Tunstall

—28

Nays:—None.

The bill:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of revenue, held at Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue, and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Johnson	Powell
Brooks	Garth	Jones (Conecuh)	Randall
Brower	Horton	McNeil	Slone
Caffey	Howle	Oliver	Teasley
Carmichael	Hutson	Pelham	Tunstall
Craft	Inzer		

—22

Nays:—None.

The bill:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census

or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hutson	Oliver
Brooks	Ellis	Inzer	Pelham
Brower	Foster	Johnson	Randall
Caffey	Garth	Jones (Conecuh)	Slone
Carlton	Griffith	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeill	

—27

Nays:—None.

On motion of Mr. Jones of Conecuh, the further consideration of the bill:

S. 221. To authorize and empower county boards of education and city boards of education to appropriate and use any district three mill tax that has been or may hereafter be voted in any school district to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purposes."

Was postponed until the next Legislative Day without losing its place on the calendar.

The resolution:

H. J. R. 13. Creating a Recess Agricultural Committee.

Was read a third time at length and adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Adams	Duncan	Inzer	Oliver
Brooks	Ellis	Johnson	Pelham
Brower	Foster	Jones (Conecuh)	Powell
Caffey	Griffith	Martin	Randall
Carlton	Howle	Middleton	Slone
Carmichael	Hutson	McNeil	Tunstall
Craft			

—25

Nays:—None.

The bill:

S. 218. To amend section 1 of article 1 and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties, to provide for the appointment of at-

tendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school-houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State textbook committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State normal schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to

prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter.

Approved September 26, 1919.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Adams
Brooks
Brower
Caffey

Carlton
Carmichael
Craft
Duncan

Ellis
Foster
Griffith
Hutson

Inzer
Johnson
Jones (Conecuh)
Martin

Middleton	Oliver	Powell	Teasley
McNeil	Pelham	Randall	

—24

Nays:—None.

The bill:

S. 192. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose, or purposes.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Adams	Ellis	Howle	Pelham
Brooks	Foster	Hutson	Powell
Caffey	Garth	Johnson	Randall
Carmichael	Griffith	Jones (Conecuh)	Slone
Craft	Harlan	McNeil	Teasley
Duncan	Horton	Oliver	Tunstall

—24

Nays:—None.

The bill:

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school fund of said counties.

Was read a third time at length and passed.

Yeas, 22; Nays, 2.

Yeas:

Messrs:

Adams	Duncan	Hutson	Oliver
Brooks	Foster	Inzer	Pelham
Brower	Garth	Jones (Conecuh)	Teasley
Caffey	Griffith	Martin	Tunstall
Carmichael	Harlan	McNeil	Waddell
Craft	Howle		

—22

Nays:

Messrs:

Johnson	Slone
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—2

The bill:

S. 211. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the City of Mobile by contract in lieu of the existing requirements.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Brooks	Duncan	Howle	Oliver
Brower	Foster	Hudgens	Pelham
Caffey	Garth	Inzer	Randall
Carlton	Griffith	Johnson	Slone
Carmichael	Harlan	Jones (Conecuh)	Tunstall
Craft	Horton	McNeil	Waddell

—24

Nays:—None.

INDEFINITE POSTPONEMENT OF BILLS.

On motion of Mr. Griffith, the bills:

S. 14. To repeal an Act entitled "An Act to authorize the Governor to employ a special force of not more than ten men to serve under his immediate direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, and to provide compensation for their services," approved September 30, 1919.

Also:

S. 37. To define chiropractic and the practice of chiropractic in the State of Alabama; to create a state board of examiners of applicants to practice chiropractic in Alabama; to provide for the appointment of said board; to define its duties and powers; to provide for the issuing of licenses and certificates to practice chiropractic; to provide for the disposition of fees collected by said board; to provide penalties and punishment for the violations of provisions of this Act; and to repeal all general and local laws, in so far as in conflict with this Act.

Also:

S. 65. To amend section 2 of an Act entitled "An Act to designate the persons who are authorized to purchase, have shipped from outside of the State, receive, accept delivery of, possess and use wines for sacramental or religious purposes; and to prescribe the procedure for procuring and having the same shipped from outside of the State," approved September 30, 1919.

On the adverse calendar were indefinitely postponed by the Senate.

On motion of Mr. Craft, the further consideration of the bill:

S. 87. To require all motor drivers in Alabama to stop on reaching any railroad, interurban car track, tram road track or other similar crossings, in rural districts, and to provide penalties for any violation thereof.

Was indefinitely postponed by the Senate.

On motion of Mr. Teasley, the further consideration of:

S. 63. To amend section 2069 of the Code of Alabama of 1907.
Was indefinitely postponed by the Senate.

On motion of Mr. Howle, the further consideration of:

S. 56. To provide a means whereby the county board of education may be required to arrange for the opening of the county high school on written petition signed by a majority of the patrons of the county high school, living outside of the incorporated town, as shown by the records in the office of the county high school, for the next preceding year.

Was indefinitely postponed by the Senate.

Also:

S. 77. To make county superintendents of education elective by a vote of the qualified electors of their respective counties.

Was, on motion of Mr. Howle, indefinitely postponed by the Senate.

On motion of Mr. Oliver, the further consideration of:

S. 41. To authorize and empower railroads and common carriers to issue intra-state passes to the members of the State Tax Commission, its secretary, and other regular designated agents or representatives of said commission, when traveling on official business.

Was indefinitely postponed by the Senate.

On motion of Mr. Hutson, the further consideration of:

S. 33. To amend an Act entitled "An Act to amend section 3970 of the Code of Alabama of 1907," passed by the Legislature of Alabama at the session of 1915, and approved September 17, 1915.

Was indefinitely postponed by the Senate.

On motion of Mr. Garth, the further consideration of:

S. 39. To amend section 4497 of the Code of Alabama of 1907.

Was indefinitely postponed by the Senate.

On motion of Mr. Martin, the further consideration of:

S. 59. To provide that the purchase price at a mortgage foreclosure sale of real, personal or mixed property shall not be conclusive as to its value and to provide further that in the event the maker or makers of any note secured by mortgage is sued for any balance due upon said instrument. After such foreclosure the maker or makers of any such instrument on the trial of such case may show in defense of said suit the reasonable market value of any such property sold under said foreclosure clause in said mortgage unless said foreclosure sale is had under the decree of a court of competent jurisdiction.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Ashcraft of Lauderdale:

H. J. R. 78. Whereas, Senator Oscar W. Underwood will address the Legislature in joint session on July 31st,

Therefore, be it resolved by the House, the Senate concurring, That a reception committee is hereby created to be composed of the Lieutenant-Governor, the President Protem of the Senate, the Speaker of the House, and two members of the House to be appointed by the Speaker of the House, and that the Governor be and is hereby requested to act as chairman of the said reception committee.

And the Speaker of the House has named as a committee on the part of the House, Messrs. Ashcraft of Lauderdale and Walker.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 78, set out in the foregoing message from the House, was, under a suspension of the rules, adopted by the Senate.

ADJOURNMENT.

At 1:05 o'clock P. M., on motion of Mr. Brooks, and pursuant to House joint resolution heretofore adopted, the Senate adjourned till 2 o'clock Tuesday.

TWENTY-SECOND DAY.

Tuesday, July 24th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

Prayer by Rev. Dr. Frank Willis Barnett of Birmingham.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft
Duncan

Ellis
Foster
Garth
Griffith
Harlan
Hildreth
Horton
Howle
Hudgens

Hutson
Inzer
Johnson
Jones (Barbour)
Martin
Middleton
McNeil
Oliver

Overton
Pelham
Powell
Randall
Slone
Teasley
Tunstall
Waddell

JOURNAL.

On motion of Mr. Slone the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

LEAVE OF ABSENCE.

On motion of Mr. Pelham, leave of absence was granted Mr. Jones of Conecuh for today.

INTRODUCTION OF BILLS.

Upon a call of districts bill were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Garth:

S. 274. To amend section 6768 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Johnson:

S. 275. To further regulate marriage and its solemnization.
Judiciary.

By Mr. McNeil:

S. 276. To make appropriations for the promotion of vocational education in agriculture, trades and industries, and home economics in co-operation with the Federal Board for Vocational Education or otherwise.

Finance and Taxation.

By Mr. Brower:

S. 277. To abolish the lease system of working county convicts, and to provide a penalty for the violation thereof.

Finance and Taxation.

By Mr. Adams:

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by article 3, chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed,

and to provide for the repeal of all laws in conflict with the provisions of this Act.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the proposed local law as below set out will be introduced at the present (1923) session of the Legislature of Alabama.

A BILL

To be entitled an Act to abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by article 3, chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That the county court of Chilton county provided for in and by article 3, chapter 198 of the Code of Alabama of 1907, and re-established by the provisions of an Act approved September 25, 1915, be and the same is hereby abolished and its jurisdiction annulled.

Section 2. It is hereby made the duty of the clerk of said county court to transfer to the circuit court of Chilton county all cases of every kind and description pending in said county court at the date of the approval of this Act, together with all papers, records, processes and everything pertaining to said cases so transferred to the circuit court of Chilton county, and said cases so transferred to the circuit court of Chilton county shall stand for trial therein as if originally filed or begun therein and the said circuit court of Chilton county shall have the same jurisdiction and powers in regard to said cases and all papers, records, processes and everything pertaining to such cases, as the said county court now has in reference thereto.

Section 3. That from and after the passage of this Act prosecution of persons charged with misdemeanors in Chilton county may be begun by affidavit made before the clerk of the circuit court of Chilton county, and ~~that thereupon the jurisdiction of the circuit court of Chilton county shall attach and the case shall proceed to trial and judgment under the same rules and procedure as provided by the law in misdemeanor cases. Nothing in this Act shall be construed as to in any manner interfere with or affect prosecutions for misdemeanors upon indictment found by the grand jury in the circuit court of Chilton county.~~

Section 4. That in all misdemeanor cases commenced by affidavit in the circuit court of Chilton county, as above provided, the issue and question of fact shall be tried by the judge of the court without the intervention of a jury except in cases where a trial by jury is demanded in writing by the defendant, and such written demand filed in the cases with the clerk of the court on or before the first sounding of the case, if the case is sounded within thirty days after the making of the affidavit, and if such case is

not sounded within thirty days after defendant has been arrested or taken into custody after the making of the affidavit, then such written demand must be filed with the clerk within 30 days after the defendant has been arrested or taken into custody after making of the affidavit. A failure to demand in writing a trial by jury as herein provided shall be held and deemed to be a waiver by the defendant of a trial by jury.

Section 5. That in the trial of any criminal case in the circuit court of Chilton county commenced by affidavit as herein above provided, by the judge of the court without the intervention of a jury, the defendant may present for review by bill of exception the conclusions and judgment of the court on the evidence and the court of appeals or the supreme court shall review the same without any presumption in favor of the court below, and if there be error shall reverse and remand the same for further proceedings in the circuit court, and if there be no error, shall affirm the same.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act in so far as the same apply to Chilton county be and the same are hereby repealed.

Section 7. This Act shall become effective immediately after its approval.

The State of Alabama, }
Chilton County. }

Personally appeared before me the undersigned authority, in and for said county in said State, W. B. Corley, who having been by me first duly sworn, deposes and says as follows: That he is editor and publisher of the Chilton County News, a newspaper published at Clanton, in Chilton county, Alabama; that said Chilton County News is a weekly newspaper; that the printed notice which is pasted to and attached to this affidavit has been duly published in and appeared in the regular issue of said Chilton County News, once each week, for four consecutive weeks, in the issues of the dates, as follows: June 28th, July 5th, July 12th and July 19th, all in 1923.

W. B. Corley.

Sworn to and subscribed before me, this the 23rd day of July, 1923.

Lawrence F. Gould,
Notary Public.

(Seal)

By Mr. Hudgens:

S. 279. "To amend section 6 of an Act entitled "An Act to provide for the acceptance of the benefit of an Act by the Senate and House of Representatives of the United States of America in Congress assembled (H. R. 4438, approved June 2, 1920), entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment,' to provide for the administration of same, and to make appropriations for these purposes: * * *," approved October 6, 1920.

Education.

By Mr. Waddell:

S. 280. To amend sections 12 and 15 of an Act to establish the court of appeals for the State of Alabama and to provide for the transfer of certain causes now pending in the supreme court to said court of appeals, approved March 9th, 1911 so as to read as follows:

Judiciary.

By Mr. Hildreth:

S. 281. To amend section 3441 of the Code of Alabama of 1907, relating to written contracts for conveyance; how executed on death of party.

Judiciary.

By Mr. Craft:

S. 282. To give effect to the amendment to section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws, passed by the Legislature to engage in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars;" to authorize the State of Alabama to engage in the work of internal improvement of promoting, developing, construction, maintaining, and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issuance and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State with respect to said development; to provide and designate an agency of the State for the management and control of all of said operations; to prescribe and define the powers and duties of such agency; to confer upon such agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired under authority of this Act; to require all persons and corporations rendering like services, or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to regulate generally the acquisition, development and operation by the State of harbor improvements; including all kinds of terminal facilities at seaports; and to repeal all laws in conflict with this Act.

Seaports.

ORDER TO PRINT.

~~On motion of Mr. Craft, two hundred and fifty copies of S. 282, the title of which is above set out, were ordered printed for use of the Senate.~~

By Mr. Inzer:

S. 283. To fix the salaries of certain State officials to take effect at the beginning of the term next after the approval of this Act and to make it a misdemeanor for any such officer to accept any increase in such salary for any additional duties placed upon such officer.

Finance and Taxation.

Also:

S. 284. To amend section 1217 of the Code of Alabama, of 1907, relating to appeals from recorder's court.

Revision of Laws.

Also:

S. 285. To make an appropriation for the erection, repair and equipment of rural school buildings and to provide for its apportionment.

Finance and Taxation.

Also:

S. 286. To make an appropriation for exceptional education including the removal of adult illiteracy.

Finance and Taxation.

Also:

S. 287. To make appropriations for the maintenance of the summer quarters of the State normal schools for white teachers located at Florence, Jacksonville, Livingston and Troy, and of the State Normal School for Negroes, located at Montgomery.

Finance and Taxation.

Also:

S. 288. To make an appropriation for the maintenance of county high schools and for high school supervision.

Finance and Taxation.

By Mr. Waddell:

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Judiciary.

With notice and proof thereto attached and herewith exhibited, as follows:

CONSOLIDATION BILL.

Notice is hereby given that the following bill will be introduced in the July 1923 session of the present Legislature for passage by the same:

A BILL

To be entitled An Act to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of Phenix City in the county of Lee and the State of Alabama, be and the same are hereby altered and re-arranged so as to include within the corporate limits of said city all that territory lying within the county of Lee and that territory lying within the

county of Russell, which are included in the following boundaries, to-wit: All lands embraced within the following boundaries described as follows: Beginning at a point in Lee county, Alabama, where the east and west half section line of section two intercepts the west bank of the Chattahoochee river and running west along the said half section line to the west line of section three; thence south along the west line of section three, ten, fifteen, twenty-two and twenty-seven to the east and west half section line of twenty-seven in Russell county, Ala.; thence east along the half section line of sections twenty-seven and twenty-six to the west bank of said Chattahoochee river; thence along the west bank of the Chattahoochee river in a northerly direction to the point of beginning; all in township 17, range 30, Alabama.

Section 2. That the boundaries set out in section 1 of this Act be and the same are hereby established as the corporate limits of the city of Phenix City, Alabama, and the territory now included within the city of Girard, Alabama, and the other territory hereinbefore described shall hereafter be and constitute a part of the city of Phenix City, Alabama.

State of Alabama, }
Lee County. }

Before me, J. Boyd Bevis, a Notary Public in and for said State and county, personally appeared Curtis H. Smith, who, being first duly sworn, deposes and says that he is publisher of the Brandon Times, a newspaper published in Lee county, Alabama, and which is a weekly newspaper, that a notice of a bill to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama, a copy which is hereto attached, was inserted in said Brandon Times, and has been published and has appeared regularly in four consecutive issues of said paper, namely: June 28th, July 5th, July 12th and July 19th, 1923.

Curtis H. Smith.

Sworn to and subscribed before me this 20th day of July, 1923.

J. Boyd Bevis,
Notary Public.

(Seal)

THE CONSOLIDATION BILL.

Notice is hereby given that the following bill will be introduced in the July 1923 session of the present Legislature for passage by the same.

A BILL

To be entitled An Act to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Ala-

Be it enacted by the Legislature of Alabama:

Section 1. That the boundaries of the city of Phenix City in the county of Lee and the State of Alabama, be and the same are hereby altered and re-arranged so as to include within the corporate limits of said city all that territory lying within the county of Lee and that territory lying within the county of Russell, which are included in the following boundaries, to-wit: All lands embraced within the following bounds described as follows: Beginning at a point in Lee county, Alabama, where the east and west half section line of section two intercepts the west bank of the Chattahoochee river and running west along the said half section line to the west line of section three; thence south along the west line of sections three, ten, fifteen, twenty-two and twenty-seven to the east and west half section line of twen-

ty-seven in Russell county, Alabama; thence east along the half section line of sections twenty-seven and twenty-six to the west bank of said Chattahoochee river, thence along the west bank of the Chattahoochee river in a northerly direction to the point of beginning; all in township 17, range 30, Alabama.

Section 2. That the boundaries set out in section 1 of this Act be and the same are hereby established as the corporate limits of the city of Phenix City, Alabama, and the territory now included within the city of Girard, Alabama, and the other territory hereinbefore described shall hereafter be and constitute a part of the city of Phenix City, Alabama.

State of Alabama, }
 Russell County. }

Before me, Isabel A. Moses, a Notary Public in and for said State and county, personally appeared I. I. Moses, who, being first duly sworn, deposes and says that he is publisher of the Phenix-Girard Journal, a newspaper published in Russell county, Alabama, and which is a weekly paper, that a notice of a bill to alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama, a copy of which is hereto attached, was inserted in said Phenix-Girard Journal, and has been published and has appeared regularly in four consecutive issues of said paper, namely: June 28th, July 5th, July 12th, and July 19th, 1923.

I. I. Moses.

Sworn to and subscribed before me this 20th day of July, 1923.

Isabel A. Moses,
 Notary Public.

(Seal)

By Mr. Adams:

S. 290. To change the name of the educational revolving fund to that of equalizing fund.

Education.

By Mr. Duncan:

S. 291. To create the office of State Fire Commissioner of Alabama, in lieu of the office of State Fire Marshal, and to provide for the appointment of deputy fire commissioners, to define their powers and duties and to fix their compensation; provide ways and means for the enforcement of this Act and penalties for the violation thereof; and to provide means for defraying the expenses incurred under the provisions hereof.

Banking and Insurance.

By Mr. Powell:

S. 292. To provide for the payment of mileage and per diem to members, of certain recess committees of the Legislature of 1923.

Finance and Taxation.

By Mr. Craft:

S. 293. To license and regulate the business of making loans in sums of three hundred dollars (\$300) or less, secured or unsecured, at a greater rate of interest than eight per cent per annum, prescribing the rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment

of wages or salaries, earned or to be earned, when given as security for any such loan.

Banking and Insurance.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 192. To authorize each of the several counties of this State to join with the State of Alabama or with the State of Alabama and the United States in the construction or purchase of public roads and bridges, and to authorize each of said counties to make appropriations for such purpose, or purposes.

S. 210. To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) and not more than one hundred and fifty thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school fund of said counties.

S. 184. To alter or rearrange the boundaries of the city of Dothan, Houston county, Alabama.

S. 209. To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy.

S. 190. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the elementary schools or school of the State, and to provide for the administration of such trust.

S. 186. To regulate the establishment and licensing and operation of ferries on a river which is in whole or in part the dividing line between two counties of this State, at points touching incorporated municipalities.

S. 179. To provide for the rendition of declaratory judgments and decrees.

S. 177. To further regulate the procedure in the circuit courts with respect to motions to set aside judgments or decrees and for new trials.

S. 113. To amend an Act entitled an Act "To provide for the establishment and maintenance of a home for mental inferiors in Alabama; to define who are mental inferiors; to provide for their care, treatment and training, and to appropriate the money necessary therefor from the State treasury," approved Sept. 29, 1919.

S. 191. Providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; and repealing all laws or parts of law in conflict herewith.

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their power, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

S. 206. To amend section 1 of an Act entitled an Act to provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

J. P. Middleton,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House joint resolution:

By Mr. Moxley:

H. J. R. 77. Be it resolved by the House, the Senate concurring, that

Whereas, the Legislature of Alabama on September 30, 1919, approved an act creating a State Highway Department of the State of Alabama defining its duties and powers; authorizing the Highway Department to assent to an act of the United States Congress, approved July 11, 1916, for the purpose of aiding the several states in the construction and maintenance of rural post roads; and

Whereas, according to section 20 of the above act the Legislature of the State of Alabama accepted the terms and requirements of Congress as set out in the Federal Aid law in "An Act to provide that the United States shall aid the states in construction of post roads and for other purposes," and

Whereas, the good faith of the State of Alabama has been pledged to make available sufficient funds to fulfill the require-

ments of the above act and to comply with the provisions of said "Federal Aid Act," and

Whereas, the Legislature of the State of Alabama in approving above act of September 30, 1919, creating the Highway Commission or State Highway Department, in section 23, of this act requires the Highway Commission or Highway Department to construct the highways or state trunk roads so as to connect each county seat with the county seats of the adjoining counties; and

Whereas, in disregard of the provisions and requirements contained in section 20 and section 23 of the above Highway Act, the Highway Commission adopted as project B in Crenshaw County, including 12.64 miles at a cost of \$254,234.74, being approximately 50% of the above county's quota, leaving less than \$200,000.00 with which to construct 56 additional miles, the number of miles required under section 23 requiring the location of State highways in such manner as to connect the county seat with the county seats of the adjoining counties, and

Whereas, the present location of project B in Crenshaw County as so located does not serve the location of rural post roads; and

Whereas, by minor changes in the location of above route it can be made to serve every intention for which highways and rural post roads are intended together with a saving in the cost of construction between \$175,000.00 and \$200,000.00 of the above named county's quota and serving better the needs of the citizens of the county at the same time placing it upon a higher location than the present one designated.

Therefore, be it resolved by the House, the Senate concurring, that the Governor be requested not to approve project above named until such time as a comparative survey of other proposed route or routes can be made for the purpose of estimating the difference in cost of construction along other available locations.

~~And send same herewith to the Senate~~

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 77 set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, have compared the follow-

ing enrolled bill with the engrossed and original bill, respectively, and find same correctly enrolled, to-wit:

S. 78. To provide for loading, shipping and sale of watermelons and prescribing penalties for the violation therefor.

C. R. Horton,
Chairman.

SIGNING OF BILL:

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS.

Mr. Garth offered the following joint resolution:

S. J. R. 101. Resolved by the Senate (the House of Representatives concurring), That United States Senator Dial, of South Carolina, and the Honorable Angus McLean, of North Carolina—are hereby invited to address a joint session of the Legislature of Alabama at the hour of 3 o'clock p. m. on Thursday, July 26, 1923.

Which was read and referred to the Standing Committee on Rules.

Mr. Waddell offered the following joint resolution:

S. J. R. 102. Resolved by the Senate, the House concurring, That when the two houses adjourn today, they reconvene on Thursday, July 26th.

Which was, under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills and House joint resolutions, your signature thereto is requested:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Also:

H. 28. To ratify, confirm, validate and make legal, effective and binding, a certain county warrant issued by Jefferson county, Alabama, at the October 17th, 1921, term of the board of revenue, held in Bessemer, in said county; said warrant being dated the 17th day of October, 1921, payable to the city of Bessemer for nineteen thousand and six hundred sixty-seven and 65/100 dollars (\$19,667.65), and payable on demand, the said warrant or voucher being signed by Lacey Edmundson, pro tem president of said board of revenue, and attested or countersigned by J. W. Pickens, clerk, and to require and direct the treasurer of said Jefferson county, Alabama, to recognize and treat said warrant or voucher No. 1583, in all things, as the legal and valid warrant or voucher of said Jefferson county, Alabama, and pay same with interest thereon from date.

Also:

H. J. R. 13. Creating a Recess Agricultural Committee.

Also:

H. 231. To repeal an Act entitled "An Act to create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof," approved February 15, 1919, as amended by an Act entitled "An Act to amend section 1 of an Act entitled 'An Act to create a county highway commission for Walker county, Alabama, and to define the powers and duties

thereof,' approved February 15, 1919," which amendatory Act was approved September 23, 1919.

Also:

H. J. R. 78. Appointing a committee relative to the address of Senator Oscar W. Underwood to the Legislature in joint session July 31, 1923.

Also:

H. 240. To fix the compensation of members of the board of revenue in all counties of two hundred thousand population or more according to the last Federal census or any subsequent census, and to provide for the method of paying such compensation.

Also:

H. J. R. 67. Resolved by the House, the Senate concurring, That it is the sense of the Legislature that no change in the law relating to the system of working convicts be made at the present session of the Legislature.

Also:

H. J. R. 72. Relative to removal of Mrs. L. R. Maugans as post mistress at Eufaula, Alabama, because of letter containing remarks insulting to the Southern people.

J. H. Stewart,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS:

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and joint resolutions, the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING.

The bill:

S. 75. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

Was read a third time at length and passed.

Yeas, 16; Nays, 16.

Yeas:

Messrs:

Craft

Duncan

Foster

Griffith

Harlan

Hildreth

Horton

Howle

Hutson

Johnson

Jones (Barbour)

Middleton

Overton

Pelham

Randall

Waddell

Nays:

Messrs:

Adams	Caffey	Garth	Oliver
Bonner	Carlton	Inzer	Powell
Brooks	Carmichael	Martin	Slone
Brower	Ellis	McNeil	Tunstall

—16

Said vote being a tie, the Lieutenant Governor and presiding officer of the Senate voted "yea."

BILL INDEFINITELY POSTPONED.

On motion of Mr. Inzer, the further consideration of the bill: S. 76. To require instruction in the public schools in this State in regards to the humane protection of animals.

Was indefinitely postponed by the Senate.

REPORT FROM RULES COMMITTEE.

Mr. Martin, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 101. Resolved by the Senate (the House of Representatives concurring), That United States Senator Dial, of South Carolina, and the Honorable Angus McLean, of North Carolina, are hereby invited to address a joint session of the Legislature of Alabama at the hour of 3 o'clock p. m. on Thursday, July 26, 1923.

And on motion of Mr. Martin said report was concurred in and said resolution adopted.

BILLS ON THIRD READING RESUMED.

The bill:

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the probate office of the county in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

Was read a third time at length and passed.

Yeas, 27; Nays, 1.

Messrs:

Yeas:

Adams	Ellis	Howle	McNeil
Bonner	Foster	Hudgens	Oliver
Brooks	Garth	Hutson	Overton
Brower	Griffith	Inzer	Pelham
Caffey	Harlan	Johnson	Randall
Carlton	Hildreth	Martin	Slone
Duncan	Horton	Middleton	

—27

Nays:

Mr. Waddell—1.

On motion of Mr. Foster, the bill:

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State highway department to co-operate with the United States Government in the construction and maintenance, of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Was passed until the next Legislative Day without losing its place on the calendar.

On motion of Mr. Ellis, the further consideration of the bill:

S. 221. To authorize and empower county boards of education and city boards of education to appropriate and use any district three mill tax that has been or may hereafter be voted in any school district to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

Was passed until the next Legislative Day without losing its place on the Calendar.

On motion of Mr. Overton the further consideration of the bill:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Was passed until the next Legislative Day without losing its place on the calendar.

The bill:

S. 162. To amend section 4224 of the Civil Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Hudgens	McNeil
Bonner	Duncan	Hutson	Oliver
Brooks	Ellis	Inzer	Overton
Brower	Foster	Johnson	Pelham
Caffey	Garth	Jones (Barbour)	Powell
Carlton	Hildreth	Martin	Randall
Carmichael	Howle	Middleton	Slone

—28

Nays:—None.

The bill:

S. 195. To declare what is unfair discrimination by producers, distributors or dealers in petroleum or any of its derivatives, or motor oils or fuels; to prohibit the giving by any such producers, distributors or dealers, to any of its customers in this State of any rebate or special price or furnishing, selling, renting without a reasonable charge therefor pumps or fixtures used in the sale or distribution of such commodities to one or more of its customers, for the purpose of injuring or destroy the business of a competitor, or creating a monopoly and to make it unlawful for such producers, distributors or dealers to engage in, or be a party to any combination or conspiracy to fix or control the prices of any such commodities, and to fix the punishment and penalties for the violation of the provisions of this Act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Oliver
Bonner	Garth	Inzer	Overton
Brower	Harlan	Johnson	Pelham
Caffey	Hildreth	Jones (Barbour)	Randall
Carlton	Horton	Martin	Slone
Duncan	Howle	Middleton	Teasley
Ellis	Hudgens	McNeil	Tunstall

—28

Nays:—None.

The bill:

H. 6. To provide for the election of a county superintendent of education for Coffee county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his

qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Was read a third time at length and passed.

Yeas, 31; Nays, 2.

Yeas:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Martin	Slone
Carlton	Hildreth	Middleton	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Oliver	

—31

Nays:

Messrs:

Duncan	Horton
--------	--------

—2

The bill:

S. 164. To provide for the institution and prosecution of misdemeanors in the county court of Morgan county otherwise than by indictment by the grand jury, or by affidavit made before the judge of said court.

Was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Hutson	Oliver
Brooks	Ellis	Inzer	Overton
Brower	Foster	Johnson	Pelham
Caffey	Garth	Jones (Barbour)	Powell
Carlton	Griffith	Martin	Randall
Carmichael	Harlan	Middleton	Slone
Craft	Horton	McNeil	Waddell

—28

Nays:—None.

The bill:

S. 166. To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city described, as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd

street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south, that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Chocaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 288 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots num-

bers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 3rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street on the south.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Harlan	Johnson
Bonner	Duncan	Hildreth	Martin
Brooks	Ellis	Howle	McNeil
Brower	Foster	Hudgens	Oliver
Caffey	Garth	Hutson	Randall
Carlton	Griffith	Inzer	Slone

—24

Nays:—None.

The bill:

S. 167. To authorize the board of city commissioners of the city of Tuscaloosa to vacate and close that portion of 22nd avenue in said city which lies between 12th street on the north and 13th street on the south.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Adams	Foster	Howle	McNeil
Bonner	Garth	Hudgens	Oliver
Brooks	Griffith	Hutson	Overton
Caffey	Harlan	Inzer	Pelham
Carlton	Hildreth	Johnson	Randall
Craft	Horton	Middleton	Slone
Duncan			

—25

Nays:—None.

The bill:

S. 208. To amend an Act entitled "An Act to create the office of revenue constable for Mobile county and to prescribe his duties," approved February 24, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Hildreth	Oliver
Bonner	Duncan	Horton	Overton
Brooks	Ellis	Howle	Pelham
Brower	Foster	Inzer	Powell
Caffey	Garth	Johnson	Randall
Carlton	Griffith	Middleton	Slone
Carmichael	Harlan	McNeil	

—27

Nays:—None.

The bill:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson county, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Horton	McNeil
Bonner	Ellis	Howle	Oliver
Brooks	Foster	Hudgens	Overton
Brower	Garth	Hutson	Pelham
Caffey	Griffith	Inzer	Randall
Carlton	Harlan	Johnson	Slone
Carmichael	Hildreth		

—26

Nays:—None.

The bill:

H. 13. To provide for the residence of persons who are elected as members of the county board of education of Escambia county, and to designate or create the district in which each mem-

ber of said board shall reside, and from which they shall be elected.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Horton	Oliver
Bonner	Duncan	Howle	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Griffith	Martin	Randall
Carlton	Harlan	Middleton	Slone
Carmichael	Hildreth	McNeil	

—27

Nays:—None.

The bill:

H. 149. Empowering the clerk of the circuit court of the county of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the judge of the county court.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Adams	Craft	Horton	Oliver
Bonner	Ellis	Howle	Overton
Brooks	Garth	Hudgens	Pelham
Brower	Griffith	Inzer	Powell
Caffey	Harlan	Johnson	Randall
Carlton	Hildreth	McNeil	Slone
Carmichael			

—25

Nays:—None.

The bill:

H. 174. To relieve the tax assessor of Morgan county from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Was, on motion of Mr. Hutson, passed until the 28th Legislative Day.

The bill:

H. 258. To abolish the office of deputy solicitor of Coffee county, Alabama, and to repeal all laws general, special or local in conflict with the provisions of this Act insofar as they relate to Coffee county, Alabama.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

*Yeas:**Messrs:*

Adams	Duncan	Howle	Overton
Bonner	Ellis	Hudgens	Pelham
Brooks	Foster	Inzer	Powell
Brower	Garth	Johnson	Randall
Caffey	Griffith	Martin	Slone
Carlton	Harlan	Middleton	Teasley
Carmichael	Hildreth	McNeil	Tunstall
Craft	Horton	Oliver	

—31

Nays:—None.

The bill:

H. 236. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens county," and approved January 7, 1826.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

*Yeas:**Messrs:*

Adams	Ellis	Hudgens	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Martin	Randall
Caffey	Harlan	Middleton	Slone
Carlton	Hildreth	McNeil	Teasley
Carmichael	Horton	Oliver	Tunstall
Duncan	Howle		

—30

Nays:—None.

The bill:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Was read a third time at length and passed.

~~*Yeas, 27; Nays, 2*~~*Yeas:**Messrs:*

Adams	Foster	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Griffith	Johnson	Powell
Caffey	Harlan	Martin	Randall
Carlton	Hildreth	Middleton	Teasley
Duncan	Howle	McNeil	Tunstall
Ellis	Hudgens	Oliver	

—27

*Nays:**Messrs:*

Bonner	Slone
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—2

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the S. J. R. 101, requesting U. S. Senator Dial of South Carolina and Hon. Angus McLean of North Carolina to address a joint session of the Alabama Legislature on Thursday, July 26, 1923, at 3 o'clock p. m.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 102, relative to adjournment and returns same to the Senate.

J. H. Stewart,
Clerk.

RESOLUTION.

Mr. Martin, chairman of Rules Committee, offered the following joint resolution:

S. J. R. 103. Resolved by the Senate of Alabama, the House of Representatives concurring, That the House and Senate having received the invitation to visit Tuskegee on Friday, July 27th, desire to thank the people of Tuskegee for the invitation, but it is the sense of the House and Senate that important business before the Legislature requires that a Legislative Day be held on said date, and they regret the inability of the Legislature to accept said invitation.

Which was, under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an Act approved April 4, 1911, entitled "An Act to establish in precinct one, in Madison county, Alabama, an inferior court in lieu of all justices of the peace, and notaries public with the power of the justices of the peace, in said precinct to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court, and the judge thereof."

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 4:15 P. M., on motion of Mr. Brooks, and pursuant to joint resolution heretofore adopted, the Senate adjourned until Thursday morning at 10 o'clock.

TWENTY-THIRD DAY.

Thursday, July 26th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Dr. Jenkins, Doorkeeper of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeil	Waddell
Duncan	Hudgens	Oliver	

—35

A quorum of the Senate.

JOURNAL.

On motion of Mr. Tunstall, the reading of the Journal of yesterday was dispensed with and same approved.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hutson:

~~S. 284. To establish kindergartens in cities and school districts in Alabama, and to provide for their maintenance.~~

Educational.

Also:

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the Superintendents of Banks of Alabama.

Municipalities and Municipal Organization.

Also:

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

Be introduced a bill at the next Legislature of Alabama, substantially as follows:

A bill to be entitled an Act to amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business, prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

Section 6 shall be amended so as to read as follows:

"That the Deputy Solicitor of Morgan County shall be solicitor of Morgan County court and shall hold office until the second Tuesday after the first Monday in January, 1923, and until his successor is elected and qualified, and shall prosecute for the State all causes in said court, and for so doing he shall receive a salary of One Thousand Eight Hundred Dollars (\$1,800.00) per year, payable One Hundred and Fifty Dollars (\$150.00) per month, out of the County treasury at the end of each month, his signed receipt being required. Provided, further, that all solicitors' fees taxed and collected in said court shall be paid into the general fund of Morgan County, and the salary of said Solicitor shall begin upon the approval of this act; and at the general election in 1922 and every four years thereafter there shall be elected a solicitor for said Morgan County Court by the qualified electors of Morgan County, who shall take office at the expiration of the term of the present Deputy Solicitor, and every four years thereafter."

Section 9 shall be amended so as to read as follows:

"The judge of said court may determine and fix the time for holding the sessions of said court; for the trial of all cases, both civil and criminal; provided, however, that all civil the criminal cases, both cases to be tried by a jury and those cases in which no jury has been demanded, shall be called for trial at least once every thirty days until said cases are disposed of."

Section 15 shall be amended so as to read as follows:

"That all actions of ejectment, forcible entry and unlawful detainer, and all other civil cases are to be tried by the court without the intervention of a jury unless at the time of filing the suit, plaintiff shall indorse upon the summons and complaint a demand for a jury trial, or that the defendant at the time of filing the first pleadings in the case or at the time of making his appearance, shall demand a trial by jury; provided,

however, that all cases involving less than twenty Dollars (\$20.00) shall be tried by the court without intervention of a jury, and provided further, that all criminal cases shall be tried without the intervention of a jury unless a jury is demanded as provided in Section 15½ hereof; or unless a demand for jury is indorsed upon the bond at the time of making of the same.

Said act to be amended by adding Section 15½, as follows:

"That in all criminal cases the defendant shall be required to appear before the court the first Saturday in the month succeeding the month in which he is arrested, at which time his case must be called and the defendant required to plead; and all pleadings except the plea of not guilty, shall be disposed of then and there; and in event a plea of not guilty is entered, the judge shall thereupon set his case for trial upon a day certain and notify the defendant then and there the day upon which his case shall be called for trial; provided that upon the appearance of the defendant as provided in this section, and upon his entering a plea of not guilty, he may then and there demand a trial by jury; and in event a trial by jury is demanded the case must be set for trial at some week not more than thirty days thereafter, at which a jury for said court shall be empanelled; and in case no jury is demanded, then said case must be set for some time, within 30 days when no jury is empanelled to be tried by the court without the intervention of a jury.

Section 16 shall be amended so as to read as follows:

"That in all actions of ejectment, forcible entry, unlawful detainer, and trial for the right of property, and in all civil cases where the amount involved exceeds one hundred (\$100.00) dollars, the defendants therein shall be required by the summons served upon them to appear and plead or demur to the complaint within twenty (20) days after the service of such summons and complaint upon them; and in all cases commenced by attachment, the defendants shall appear and demur or plead within twenty (20) days after the levy of the attachment, or service of notice thereof; or, in cases where the suit is brought against non-residents, or other persons upon whom service is had by publication, within twenty (20) days after perfection of such service by publication, and in all other cases, the defendants must appear and plead within five (5) days after service upon them; and in all cases, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing to appear after service upon him has been perfected, or notice given him as herein required, shall be held to be in default, and at any time thereafter, on motion of the plaintiff, judgment by default shall be rendered against him; provided, that the court may, for good cause shown, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed, on such terms as the court may think best; provided, however, that in all cases where judgment by default has been rendered against the defendant, the plaintiff may, at any time of inquiry before the court without the intervention of a jury, and have final judgment rendered thereon."

Section 17 shall be amended so as to read as follows:

"That this court shall have exclusive jurisdiction of all cases appealed from justice of the peace, and all other inferior courts of Morgan County, and all cases appealed from the Mayors courts, and all original mesne processes, writs, notices, etc., shall be executed instantler, to be returnable immediately upon the execution thereof by the officer receiving the same; and all cases so appealed shall stand for trial at any time after five (5) days notice of the suing out of such appeal to the adverse party, the notice to be given as now required by law."

Section 23 shall be amended so as to read as follows:

"Said court shall have jurisdiction in civil cases in all matters where the amount involved does not exceed two thousand (\$2,000.00) dollars, and

in all actions of ejectment, and original jurisdiction in actions of forcible entry and unlawful detainer, and trial for the right of property irrespective of the amount involved, or the value of the property, provided, that in actions of unlawful detainer, the defendant may, within the time allowed for pleading, file an affidavit, and give bond as now authorized by law in actions of this kind, and thereafter the same shall be tried as other actions in ejectment."

Section 40 shall be amended so as to read as follows:

"That all jurors from this court and the branch court herein created, shall be summoned from the entire county, that the venire for said court shall consist of twenty-four (24) jurors drawn as provided by law for the drawing of jurors in the Circuit Court; provided, however, that in all civil cases the judge of said court may require the parties to select a jury from eighteen (18) or more qualified jurors, as now provided by law for the selection of juries. It being the true meaning and intent of this act that the judge may, in civil cases, limit the number of challenges to three to each side; and in all criminal cases the judge of said court may require the selection of a jury from eighteen (18) qualified jurors as is now provided by law for the selection of juries in misdemeanor cases."

M. Hutson.

State of Alabama, }
Morgan County. }

Before me, Leda L. Brown, a Notary Public in and for said State and County, personally appeared W. R. Shelton, who being by me first duly sworn, deposes and says as follows:

That he is now and has been for more than six months last past the editor and publisher of the Albany-Decatur Daily, a newspaper published at Albany, in Morgan County, Alabama.

That the notice hereto attached and which is hereby referred to and made a part of this affidavit was published in said newspaper in its daily issues of June 25, 1923, July 2, 1923, July 9, 1923 and July 16, 1923.

W. R. Shelton.

Sworn to and subscribed before me this the 18th day of July, 1923.

Leda L. Brown,
Notary Public.

Also:

By Mr. Garth:

S. 297. To regulate and license the keeping, harboring and owning of dogs, and to provide for the disposition of the money derived from licenses therefor, and to punish the keeping, harboring or owning of dogs without a license.

Agriculture.

By Mr. Overton:

S. 298. To develop, advertise and promote the resources of the several counties in the State.

Corporations.

Also:

S. 299. To provide for the supervision, regulations and conduct of the transportation of persons, freight and property for compensation over the public highways of the State of Alabama by motor vehicle; to confer jurisdiction to that end upon the Alabama Public Service Commission; and to provide for the

enforcement of the provisions of this Act and penalties for the violation of the same.

Commerce and Common Carriers.

By Mr. Foster:

S. 300. To make appropriation for the maintenance and support of the State Training School for Girls, and for the erection, repairing and equipment of buildings and purchasing furniture and equipment therefor and purchasing additional land.

Finance and Taxation.

By Mr. Teasley:

S. 301. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with the elections and petitions hereunder; to abolish police commissions, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

Banking and Insurance.

Also:

S. 302. To provide how Fraternal Societies organized under the laws of this State may consolidate, merge or reinsure its insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society, and to provide penalties for the violation of the provisions hereof.

Banking and Insurance.

Also:

S. 303. To repeal Section 3417 of the Code of Alabama of 1907.

Revision of Laws.

~~By Mr. Ellis:~~

~~S. 304. To amend Section 146 of the Code of Alabama of 1907 relating to auditing and registry of claims; how paid.~~

~~Revision of Laws.~~

Also:

S. 305. To amend an Act entitled "An Act to amend Section 153 of the Code of Alabama," approved September 30th, 1919.

Revision of Laws.

Also:

S. 306. To amend Section 147 of the Code of Alabama of 1907, relating to itemizing, proving, entering and filing claims.

Revision of Laws.

By Mr. Middleton:

S. 307. To amend Section one of an Act approved October 2, 1920 entitled an Act to regulate elections; to provide for the registration of electors and preparation and furnishing of a list of qualified electors to the election inspectors.

Privileges and Elections.

By Mr. Adams:

S. 308. To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State, and to make the provisions hereof retroactive.

Finance and Taxation.

By Mr. Jones of Barbour:

S. 309. To provide for and require the establishment and operation of a printing plant by the Convict Department for the employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Waddell (with notice and proof):

S. 289. To alter or re-arrange the boundary lines of the City of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

By Mr. Ellis (with notice and proof):

S. 268. To establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court

shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

By Mr. Waddell:

S. 248. To provide the form of government of a municipality where the corporate limits of a municipality are altered or rearranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

By Mr. Waddell:

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

By Mr. Goodwyn:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Mr. Duncan, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Hutson:

S. 260. To amend Section 21 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 28, 33, 34, 35, 41, 45 and 46, and to repeal Sections 51 and 52 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

By Mr. Hutson:

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

By Mr. Duncan:

S. 244. To repeal Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

By Mr. Hutson:

S. 264. To amend Section 14 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited Acts relating thereto, approved March 2, 1911' approved February 15, 1915.' "

By Mr. Hutson:

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

By Mr. Hutson:

S. 265. To protect a bank paying checks drawn upon it by a depositor, notwithstanding the insanity, death or bankruptcy of the depositor intervening the drawing of the check and such payment, the bank at the time having no knowledge of such happening.

By Mr. Duncan:

S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

By Mr. Hutson:

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within sixty days after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

By Mr. Duncan (with amendment):

S. 291. To create the office of State Fire Commissioner of Alabama, in lieu of the office of State Fire Marshal, and to provide for the appointment of deputy fire commissioners, to define

their powers and duties and to fix their compensation; provide ways and means for the enforcement of this Act and penalties for the violation thereof; and to provide means for defraying the expenses incurred under the provisions hereof.

Mr. Brooks, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Powell (with notice and proof):

S. 236. To fix the salary of the Deputy Solicitor of Macon County at nine hundred dollars per annum, payable in monthly installments of seventy-five dollars, and to provide for the payment thereof:

By Mr. Adams (with notice and proof):

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

By Mr. Blackwell:

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe County, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe County, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe County; providing for the duties of members of the Board of Revenue with reference to public roads and bridges of Monroe County; and prescribing penalties for violation of the provisions of the same.

By Mr. Thompson:

H. 292. To require all fines and forfeitures imposed by any court in Etowah County upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said county and fix penalties for the violation of the Act.

By Mr. Blackwell:

H. 298. To amend Section 15 of an Act approved September 25th, 1915 to establish a Board of Revenue for Monroe County, Alabama, and prescribing for the members thereof all the duties of the Court of County Commissioners of said county; to provide for the appointment and fix the term of office of the members of said Board of Revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Mr. McNeill, Chairman of the Standing Committee on Municipalities and Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Harlan (with notice and proof):

S. 194. To alter and rearrange the boundary lines of the City of Alexander City, Alabama, and to describe the areas included in such boundary lines and within such city.

Mr. Randall, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Hildreth:

S. 132. To define and regulate the business of dry cleaning and dyeing in cities in the State of Alabama of over six thousand population according to the last Federal census and any subsequent Federal census, and to provide for the erection and maintenance of dry cleaning and dyeing building and establishments, and the inspection by the State of buildings and establishments used for such purpose in such cities; and to provide ways and means for enforcing this Act, and penalties for the violation thereof.

ADVERSE REPORT.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were severally read a second time and placed on the Adverse Calendar, to-wit:

By Mr. Craft:

S. 240. To fix the compensation of Circuit Judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

By Mr. Garth:

S. 250. To regulate contracts between employer and employee, and to impose a penalty for the violation thereof.

By Mr. Bealle:

H. 46. To amend Sections 3615 and 3622 of the Code of 1907.

By Mr. Gaines:

H. 110. To permit purchaser, mortgagee or lien holder to pay proportionate or ratable amount of taxes on real estate sold to him or subject to his mortgage or lien in certain cases, without paying entire taxes which are a lien upon such property.

Mr. Duncan, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the Adverse Calendar, to-wit:

By Mr. Hutson:

S. 267. To prohibit any bank or trust company doing a banking business in this State from making any voluntary contributions to any cause or for any purpose whatsoever.

~~Mr. Brooks, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the Adverse Calendar, to-wit:~~

~~By Mr. Brower (with notice and proof):~~

~~S. 176. To alter or rearrange the boundary lines of the City of Birmingham, Alabama.~~

Mr. Carlton, Chairman of the Standing Committee on Privileges and Elections, reported that said Committee, in session,

had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the Adverse Calendar, to-wit:

By Mr. Johnson:

S. 154. To further regulate the jury system of Alabama; by conferring and imposing the powers and duties of the Jury Commissions of the several counties upon the Commissioners Court or Board of Revenue of the respective counties; by abolishing all Jury Commissions; and by further compensating the members of certain Commissioners Courts and Boards of Revenue for discharging the duties imposed by this Act.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Fite:

H. 358. To amend Sections 3, 6, and 7 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Also:

By Mr. Fite:

H. 359. To amend an Act entitled "An Act to provide for the appointment of Deputy Circuit Solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

Also:

By Mr. Fite:

H. 360. To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census.

Also:

By Mr. Fite:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

Also:

By Mr. Fite:

H. 365. To authorize and empower the Circuit Solicitor in all counties in the State of Alabama having five or more Circuit Judges, or which counties may hereafter have five or more Circuit Judges, and which Circuits is confined to one county and in such county there is a division of the Circuit Court held at some other place in said county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there are elected from that portion of the county other than the county site, a Deputy Circuit Solicitor. To employ all shorthand reporters necessary to properly report the proceedings before the Grand Jury and transcribe the same, and stenographer or stenographers for the office work of such Solicitors, and all assistants or assistance necessary to properly administer justice in such county; to fix their compensation, and the manner of the payment of same; and to incur all necessary expenses to properly administer justice in such counties.

Also:

By Mr. Dickinson:

H. 339. To repeal an act, "Entitled an Act, to make Township 17, Range 16 in Autauga County, a separate School District," approved February 17th, 1865.

With notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama which meets July 10, 1923, to repeal an act entitled An Act To Make Township 17, Range 16 in Autauga County a Separate School District, approved February 17th, 1885, Acts of the Legislature of Alabama, 1884-5, page 706.

State of Alabama, }
County of Autauga. }

Before me, Charles Booth, a Notary Public in and for said State and County, personally appeared H. S. Doster who, being duly sworn deposes and says that he is the editor of ~~The Prattville Progress~~, a newspaper published at Prattville, Alabama, and that the attached notice appeared for four consecutive weeks in said paper

H. S. Doster,

Editor Prattville Progress, Prattville, Alabama.

Subscribed and sworn to before me this 14th day of June, 1923.

(Seal)

Chas. Booth,
Notary Public.

Also:

By Mr. Long:

H. 285. To prohibit the Court of County Commissioners of Butler County, Alabama, from issuing the bonds of Butler

County as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

With notice and proof attached and herewith exhibited as follows:

Greenville, Alabama, June 4, 1923.

Notice is hereby given that a bill will be introduced in the Alabama Legislature at its adjourned session which begins July 10th, the caption of which reads as follows:

A bill to be entitled an Act to prohibit the Court of County Commissioners of Butler County, Alabama, from issuing the bonds of Butler County as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

State of Alabama, }
Butler County. }

Before me, J. H. Steiner, a Notary Public in and for said State and County, personally came F. W. Stanley, who being by me duly sworn says on oath that he is editor of the Greenville Advocate, a newspaper published in the County of Butler, State of Alabama, and that the above and foregoing notice was published in said newspaper once a week for four consecutive weeks in the issues of said paper bearing date of June 6th, 13th, 20th, and 27th, 1923, without cost to the State.

F. W. Stanley.

Sworn and subscribed before me this 6th day of July, 1923.

(Seal) J. H. Steiner,
Notary Public.

Also:

By Mr. Long:

H. 286. To provide for the election of a County Superintendent of Education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

With notice and proof thereto attached and herewith exhibited as follows:

Greenville, Alabama, June 4, 1923.

Notice is hereby given that a bill will be introduced in the Alabama Legislature at its adjourned session which begins July 10th, the caption of which reads as follows:

A bill to be entitled an Act to provide for the election of a county superintendent of Education of Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

State of Alabama, }
Butler County. }

Before me, J. H. Steiner, a Notary Public in and for said State and County, personally came F. W. Stanley, who being by me duly sworn says

on oath that he is editor of the Greenville Advocate, a newspaper published in the County of Butler, State of Alabama, and that the above and foregoing notice was published in said newspaper once a week for four consecutive weeks in the issues of said paper bearing date of June 6th, 13th, 20th, and 27th, 1923, without cost to the State.

F. W. Stanley.

Sworn and subscribed before me this 6th day of July, 1923.

(Seal) J. H. Steiner,
Notary Public.

Also:

By Mr. Adams:

H. 283. To prevent live stock from running at large in Blount county, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

The State of Alabama, {
Blount County. }

Before me, F. A. Hearn, a Notary Public in and for said State and County, personally appeared F. G. Stephens, who being by me duly sworn deposes and says that he is the editor and publisher of the Southern Democrat, a newspaper published in Blount County, Alabama, and that the above and foregoing advertisement did appear in said newspaper for three consecutive weeks, namely, in the issues of January 4th, January 11th and January 18th, 1923.

(Signed) F. G. Stephens.

Sworn to and subscribed before me this 13th day of February, 1923.

(Signed) F. A. Hearn,
Notary Public.

NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that a bill will be introduced in the Legislature, substantially as follows:

A bill to be entitled an Act, to prohibit live stock from running at large in Blount County, Alabama.

Be it enacted by the Legislature of Alabama, that after the passage of this act, it shall be unlawful for any person, firm or corporation to knowingly permit his or its live stock or any live stock in his or its possession or under his or its control to run at large in Blount County; Alabama.

Be it further enacted, that any person, firm or corporation who knowingly permits his or its live stock or any live stock in his or its possession or under his or its control to run at large in Blount County, Alabama, ~~shall be guilty of a misdemeanor, and upon conviction shall be fined not over One Hundred Dollars and may also be imprisoned in the County Jail of said county or sentenced to hard labor for said county for a period of not more than six months, one or both at the discretion of the court or jury trying the case.~~

Be it further enacted by the Legislature of Alabama that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

I hereby certify that the two above statements are true and correct copies of the original notice as it appeared in the Southern Democrat, and the certificate made by F. G. Stephens before F. A. Hearn, a Notary Public for the County of Blount.

Peter A. Brannon,
Notary Public, Montgomery County.

Also:

By Mr. Adams:

H. 306. To provide for the election of a County Superintendent of Education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY TO THE LEGISLATURE FOR
THE PASSAGE OF A LOCAL LAW.

The substance of such law being:

1. To provide for the election of a County Superintendent of Education for Blount county, Alabama, by the qualified electors thereof at the general election for the year 1924, and every four years thereafter.

2. To fix the term of office for four years, beginning the first Monday in July next succeeding the election and to hold until a successor is elected and qualified.

3. To prescribe the qualifications of the Superintendent of Education of Blount County, who must be a qualified elector of the County, a graduate of a standard normal school or other institution of learning of equal dignity and must hold a first grade teacher's certificate and had at least three years successful teaching experience.

4. To require such Superintendent to take an official oath and give an official bond, to provide for the fixing of such bond and the recordation and approval thereof.

5. To require the Superintendent of Education to devote his entire time to public schools and prescribe his compensation and duties.

This 2nd day of January, 1923.

W. Y. Adams.

State of Alabama, }
Blount County. }

Before me, F. A. Hearn, a Notary Public, in and for said State and County, personally appeared F. P. Stephen, who being by me duly sworn deposes and says that he is the editor and publisher of the Southern Democrat a newspaper published in Blount County, Alabama, and that the above and foregoing advertisement did appear in said newspaper for three consecutive weeks, namely, in the issues of January 11th, January 18th, and January 25th, 1923.

F. G. Stephen.

Sworn to and subscribed before me this 13th day of February, 1923.

F. A. Hearn,
Notary Public.

This will certify that the above is a true and correct copy of a certificate by F. G. Stephen, Editor of the Southern Democrat, sworn to before F. A. Hearn, on the 13th day of February, 1923.

July 12, 1923.

Peter A. Brannon,
Notary Public, Montgomery County.

Also:

By Mr. St. John:

H. 311. To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in

precinct No. 3 in Cullman County, and to provide for the services of process from their courts.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced at the present session of the Legislature of Alabama:

AN ACT

To define the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precinct No. 3 in Cullman County, and to provide for the services of process from their courts.

Section 1. Be it enacted by the General Assembly of Alabama, that justices of the peace and notaries public who are ex-officio justices of the peace in and for precinct No. 3 in Cullman County, Alabama, shall have and may exercise jurisdiction in all civil cases, except in public cases of libel, slander, assault and battery, and ejectment, within the limits of said county of Cullman, to an amount not exceeding one hundred dollars.

Section 2. Be it further enacted, That the constable of said precinct may execute all process issuing from the courts of such justices of the peace and notaries public with ex-officio powers, and for the execution of all such process outside of precinct No. 3, they shall be entitled to the same fees as are by law allowed to sheriffs for like services.

Section 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

A. A. Self.

The State of Alabama, }
Cullman Alabama. }

Before me, E. A. Schwarz, a Notary Public, in and for said County and State, personally appeared Mrs. J. R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for three successive weeks and being in the issues of the said newspaper of the following dates, viz: January 1st, 8th, 15th, 1923.

Mrs. J. R. Rosson,
Publisher.

Sworn to and subscribed before me this the 5th day of July 1923
(Seal)

E. A. Schwarz,
Notary Public.

Also:

By Mr. Fanning:

H. 405. For the relief of the county officers in Walker County, Alabama, and to provide for the filing and allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama in 1923 providing in substance that in all cases where claims arose or existed in favor of any county officer in Walker County, Alabama, during the ten years immediately preceeding January 1st, 1923, for any kind of service in his or her capacity as such officer and for which service said officer became entitled to fees or other compensation to be paid out of the county treasury of Walker County, Alabama, or from any fund thereof, or in all cases where such services became a claim against Walker County that such officer may have six months after the approval of this act to file claim or claims with the Commissioners Court of Walker County, Alabama, for the allowance of such fees or compensation and the Commissioners Court of said County shall allow such claim or claims and order the same paid out of the general funds of Walker County, Alabama, or any special fund against which the same may have been chargeable and shall cause warrants to be issued to the party in whose favor the claim is allowed for the amount of any such claim.

This 23rd day of January, 1923.

J. M. Phillips.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper publisher at Jasper, Walker County, Alabama, who being duly sworn, deposes and says that the notice, copy of which is hereto attached, was published in said paper for four consecutive weeks, January 24th, January 31st, February 7th, and February 14th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 7th day of July, 1923.
(Seal)

Steve Cranford,
Notary Public.

Also:

By Mr. Fanning:

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the Probate Judge of Walker County, Alabama, for acting as Judge of and doing the work of the Judge of the County Court of Walker County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the present (1923) session of the Legislature of Alabama, application will be made for the passage of an act providing in substance that the salary or compensation which shall annually be paid the Judge of the Probate Court of Walker County for the work of holding the County Court of Walker County or acting as the Judge of said County Court shall be Fifteen Hundred (\$1500.00) Dollars to be paid in monthly installments out of the general fund of said county of Walker, and that said Act shall become effective immediately upon the approval of the same, provided that for the remainder of the calendar year 1923, the salary of said Judge of the County Court shall only be \$125.00 per month from the first day of the calendar month succeeding the date of the approval of said Act.

E. W. Long.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said County and State, personally appeared L. S. Richardson, publisher of The Mountain Eagle, a weekly newspaper, published at Jasper, Walker County, Alabama, who being duly sworn says that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, January 17th, 24th, 31st, and February 7th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 18th day of May, 1923.
(Seal)

Steve Cranford.
Notary Public.

Also:

By Mr. Gaines:

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama to pass a bill, which shall be substantially as follows:

A BILL

To be entitled an Act to alter or re-arrange the boundaries of the City of Dothan, Houston County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1—That the boundaries of the City of Dothan, in the County of Houston, State of Alabama, be and the same are hereby altered or re-arranged so as to include within the corporate limits of the City of Dothan all of the territory lying within the County of Houston included within the boundaries hereinafter set out, to-wit:

Beginning at the N. W. corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 11, Tp. 3, N. R. 26 E; thence running east along the land line on the N. side of the S $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 11, Tp. 3, N. R. 26 E., and the continuation of said land line to the Northeast corner of the Southeast $\frac{1}{4}$ or Southeast $\frac{1}{4}$, Section 7, Tp. 3, N. R. 27 E; thence South along the section line between Sections 7 and 8 in Tp. 3, N. R. 27, and the continuation of said section line to the Southeast corner of the Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 30, Tp. 3, N. R. 27 E; thence West along the South land line of the N $\frac{1}{2}$ of S $\frac{1}{2}$, Section 30, Tp. 3, N. R. 27 E., and the continuation of said land line to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 25, Tp. 3, N. R. 26 E.; thence South along the land line of the East side of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 25, Tp. 3, N. R. 26 E., to the Southeast corner of said Forty; thence West along the section line between Section 25 and 36, Tp. 3, R. 26, to the Northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 36, Tp. 3, R. 26; thence South along the East boundary line of said Forty to the Southeast corner of said Forty; thence West along the land line on the South side of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 36, to the Southwest corner of the Northwest $\frac{1}{4}$ of Northwest $\frac{1}{4}$ Section 36. Tp. 3. N. R. 26 E; thence North along the section line between Sections 35 and 36 in Tp. 3, N. R. 26 E to the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 25, Tp. 3, N. R. 26 E; thence West along the South boundary line of the North $\frac{1}{2}$ of South $\frac{1}{2}$ Section 26, Tp. 3, N. R. 26 E, to the Southwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ Section 26, Tp. 3, N. R. 26 E; thence North along the section line

between Sections 26 and 27, Tp. 3, N. R. 26 E, and the continuation of said line to the Southeast corner of the Northeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$, Section 22, Tp. 3, N. R. 26 E; thence West along South line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Section 22, Tp. 3, N. R. 26 E; to the Southwest corner of the Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 22, Tp. 3, N. R. 26 E; thence North along the West boundary line of the Northwest $\frac{1}{4}$ of Northeast $\frac{1}{4}$, Section 22, Tp. 3, N. R. 26 E, and the continuation of said land line to the Northwest corner of Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 15, Tp. 3, N. R. 26 E; thence East along the North boundary line of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 15, Tp. 3, N. R. 26 E, to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 15, Tp. 3, N. R. 26 E; thence North along the section lines between Sections 14 and 15 and 10 and 11, Tp. 3, N. R. 26 E, to the starting point.

Section 2—That the corporate limits of said City of Dothan shall hereafter embrace and include the territory described in Section 1 hereof.
W. E. Cannady.

State of Alabama, }
Houston County. }

Before me, W. C. Batchelor, a Notary Public, in and for said County in said State, personally appeared W. T. Hall, who being by me duly sworn, deposes and says: That he is Editor and Proprietor of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and has personal knowledge of the facts stated herein and knows the same to be true; that the foregoing notice hereto attached was published in The Dothan Eagle for four consecutive weeks prior to the date hereof, without cost to the State of Alabama; that said notice was published in said newspaper on the following dates, to-wit: June 1st, 1923, June 8, 1923, June 15, 1923, and June 22, 1923.

W. T. Hall,

Editor and Proprietor of The Dothan Eagle.

Sworn to and subscribed before me this the 23rd day of June, 1923.
(Seal)

W. C. Batchelor,
Notary Public.

Also:

By Mr. Glover:

H. 354. To provide for the division of Henry County, Alabama, into four commissioners Districts, to define the boundary lines of such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of such Districts; to fix their terms of office and prescribe their duties under this Act and as otherwise provided by law; to fix the date for election of such Commissioners; to require such Commissioners, including the present Court of County Commissioners, to furnish bond; and to further define and prescribe the duties and powers of said Court of County Commissioners.

With notice thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its coming session in July, to pass a bill which shall be substantially as follows:

A bill to be entitled an Act to provide for the division of Henry County, Alabama, into four Commissioners Districts; to define the boundary lines of such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of such Districts, to fix their terms of office, and prescribe their duties under this Act and as otherwise provided by law; to fix the date for election of such Commissioners; to require such Commissioners, including the present Court of County Commissioners, to furnish bond; and to further define and prescribe the duties and powers of said Court of County Commissioners.

Be it enacted by the Legislature of Alabama:

Section 1. That Henry County, Alabama, be and is hereby divided into four Commissioners Districts, to be known and called Commissioners Districts 1, 2, 3, and 4 of said County.

Section 2. That District No. 1 of said County shall be composed of and embrace Beats 1, 2 and 3 as such beats are now established; that District No. 2 of said County shall be composed of and embrace Beats 4, 5, 6 and 7, as such beats are now established; that District No. 3 of said County shall be composed of and embrace Beats 8, 9, 10 and 11, as such beats are now established; that District No. 4 of said County shall be composed of and embrace Beats 12, 13 and 14 as such beats are now established.

Section 3. That the qualified electors of each of the Commissioners Districts as herein created and established, shall, as the terms of the members of the present Court of County Commissioners expire, elect one member of said Court from each of the Districts as herein created and designated, and only the qualified electors residing within the limits of each District as herein defined, shall be allowed to vote in such election, and such Commissioner shall not be voted for by the voters from the entire County at large, and such Commissioners must actually reside within the District in which he is elected.

Section 4. That this Act shall not affect the right of tenure of office of the members of the present Court of County Commissioners of said County, but said Commissioners shall continue to hold and discharge their duties of said office as now is incumbent upon them, and as may be made incumbent upon them by the provisions of this Act, until their successors are elected and qualified as is provided in this Act.

Section 5. That in the general election to be held throughout the County in 1924, as is now provided by law, there shall be one Commissioner elected from the 1st District as herein created and designated, and one Commissioner from the 3rd District as herein created and designated, whose terms of office shall continue for four years and until their successors are elected and qualified; and in the general election to be held throughout the County in 1926, there shall be one Commissioner elected from the 2nd District as herein created and designated, and one Commissioner from the 4th District as herein created and designated, whose terms of office shall continue for four years and until their successors shall be elected and qualified; and two Commissioners in the order as provided in this Section shall be elected in the Districts as herein provided, every two years, nomination for which office may be made in primary elections as other County officers under the general primary election laws of the State of Alabama.

Section 6. That immediately after the passage of this Act and its approval by the Governor, each of the present members of the Commissioners Court of said County, shall be required to give bond, with surety, payable and conditioned as provided by law, in the sum of one thousand dollars, which bond must be approved by the Judge of Probate of the County and filed and recorded in his office, and thereafter each member of said Commissioners Court shall be required to give such bonds before he

is qualified to discharge the duties of said office, said bond, with surety, to be in the sum of one thousand dollars, conditioned faithfully to discharge the duties of his office, during the time he continues therein, which bond must be approved by the Judge of Probate and filed and recorded in his office.

Section 7. On and after the passage of this Act and its approval by the Governor, in all matters pertaining to the disbursement of public funds or revenues of the County, upon warrants issued by the said Commissioners Court, there shall be kept a minute showing an "aye" and "no" vote of said Commissioners on the matter of the disbursement or expenditure of such funds, and should such disbursement or expenditure prove to be illegal and not a proper charge against such funds, the Commissioners voting in favor of such expenditure shall be held liable therefor and shall refund such sum or sums to the County; and in case of a "tie vote" where the Judge of Probate as chairman of said Court, is called upon to untie any vote where an expenditure of the funds of the County is made, and the disbursement or expenditure as covered by such warrant is illegal and not a proper charge against the County, then the Judge of Probate shall likewise be held jointly liable with the two Commissioners voting in favor of the issuance of said warrant, and they shall be held jointly and severally liable to the County for such sum or amounts as may be paid out on such warrant.

Section 8. That if any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 9. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

The State of Alabama, }
Henry County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. H. Golson, editor and proprietor of The Abbeville Herald, and who being duly sworn, deposes and says as follows:

"I, H. H. Golson, editor and proprietor of The Abbeville Herald, a newspaper published weekly in the town of Abbeville, in said County, and State, hereby certify that the attached bill was published in said paper for four consecutive issues commencing on the 14th day of June, 1923, and ending on the 5th day of July, 1923.

H. H. Golson."

Sworn to and subscribed before me this July 12th, 1923.

H. W. Owens,

Judge of Probate, Henry County, Alabama.

Also:

By Mr. Glover:

H. 353. To require the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said Court, showing all disbursements of County funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its coming session in July, to pass a bill which shall be substantially as follows:

A bill to be entitled, An Act to require the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said County, a statement, following each regular, adjourned or called meeting of said Court, showing all disbursements of County funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this Act it shall be the duty of the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said County, following each regular, adjourned or called meeting thereof, a statement of all disbursements of County funds made through said Court, showing for what purpose expended and to whom paid.

Section 2. That said statement shall be made in such newspaper within thirty days from the adjournment of each regular, adjourned or called meeting of said Court of County Commissioners, and shall be published in one issue only of said paper.

Section 3. That the compensation to be paid for the publication as provided in this Act shall not exceed the usual rates now fixed by law, to be audited and allowed by the Commissioners Court as other charges against the County are audited and allowed.

Section 4. That it shall be unlawful for said Court of County Commissioners to fail to cause such publication to be made and each member of said Court who votes against said publication is hereby made subject to a penalty of One Hundred Dollars; or should the entire Court as a body fail or refuse to order such publications made, then each member of said Court is hereby made subject to a penalty of One Hundred Dollars, in either case to be collected by suit; and it is hereby made the duty of the Circuit or Deputy Solicitor to bring said suit and to prosecute same in the name of the County as plaintiff.

Section 5. That if any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 6. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

The State of Alabama)
Henry County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. H. Golson, who being first duly sworn, deposes and says as follows:

I, H. H. Golson, editor and proprietor of the Abbeville Herald, a newspaper published weekly in the town of Abbeville, Henry County, Alabama, hereby certify that the attached bill was published in said paper for four consecutive weeks, commencing on, to-wit, the 14th day of June, 1923, and ending on the 5th day of July, 1923.

H. H. Golson.

Sworn to and subscribed before me this July, 1923.

H. W. Owens,
Probate Judge.

Also:

By Mr. Byars:

H. 376. To provide for the election of a County Superintendent of Education for Lawrence County, Alabama, by the qualified electors of Lawrence County at the next General Election held in said county and each fourth year thereafter; to prescribe his qualifications, fix his term of office and to fix within certain limits, his salary.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the adjourned session of the 1923 Legislature which meets in July, the following bill, which is given in full, will be introduced:

J. D. L. Byars.

An Act to provide for the election of a County Superintendent of Education for Lawrence County, Alabama, by the qualified electors of Lawrence County at the next General Election held in said county and each fourth year thereafter; to prescribe his qualifications; fix his term of office and to fix within certain limits, his salary.

Be it enacted by the Legislature of Alabama:

Section 1. That at the General Election to be held in 1924, and every fourth year thereafter the qualified electors of Lawrence County shall elect a County Superintendent of Education whose term of office shall begin on the first day of July next after his election and shall continue for four years, or until his successor shall qualify.

Should a vacancy occur in the office of County Superintendent of Education, the County Board of Education shall fill such vacancy by appointment and the appointee shall hold office until the next general election following the date of appointment. In the event the vacancy is not filled by the County Board of Education within thirty days, the Governor shall fill such vacancy.

Section 2. That in order for a person to qualify as a candidate for the office of County Superintendent of Education he shall within five days of his announcement as a candidate for such office file in the office of the Judge of Probate, a certificate, certifying that said candidate has had four years experience in actual teaching in the public schools of this or some other State signed by a Superintendent of Education or other school authorities together with satisfactory proof that he holds an Alabama First Grade or Life Grade Teacher's Certificate.

Section 3. That the salary of the County Superintendent of Education for Lawrence County shall be eighteen hundred (\$1,800) dollars per annum unless the County Board of Education shall fix it otherwise, which in no case shall be less than twelve hundred (\$1,200) dollars, nor more than twenty-four hundred (\$2,400) dollars per annum.

Section 4. That all laws and parts of laws, general, special or local, in conflict herewith are hereby repealed.

The State of Alabama, }
Lawrence County. }

Before me, Thomas B. Ashford, a Justice of the Peace in and for said County and State, personally appeared Clarence C. Horton, who being duly sworn according to law, deposes and says that he is the editor and publisher of the Lawrence County Times, a weekly newspaper published in Courtland, Ala., and who further deposes and says that the notice, a copy

of which is attached to this affidavit, was published in said paper for four consecutive weeks, on the following dates, to-wit: June 14th, 21st, 28th, and July 5th, prior to the making of this affidavit.

(Signed) Clarence C. Horton.

Sworn to and subscribed before me this the 7th day of July, 1923.

Thos. B. Ashford,
Justice of the Peace.

Also:

By Mr. Dickinson:

H. 340. To repeal an Act entitled an Act, to incorporate the Prattville Male and Female Academy in the county of Autauga, Approved February 23rd, 1860.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama which meets July 10th, 1923, to repeal an act entitled An Act to Incorporate the Prattville Male and Female Academy in the County of Autauga, approved February 23rd, 1860, Acts of Alabama, 1859-60, page 325.

State of Alabama, }
County of Autauga. }

Before me, Charles Booth, a Notary Public in and for said State and County, personally appeared H. S. Doster who, being duly sworn deposes and says that he is the editor of The Prattville Progress, a newspaper published at Prattville, Alabama, and that the attached notice appeared for four consecutive weeks in said paper

H. S. Doster,

Editor Prattville Progress, Prattville, Alabama.

Subscribed and sworn to before me this 14th day of June, 1923.

(Seal)

Chas. Booth,
Notary Public.

Also:

By Mr. Letson:

H. 381. To provide for the election and appointment of a County Superintendent of Education for Marion County, Alabama, fix his or her term of office, fix the qualifications, the compensation and the successor in said office.

~~With notice and proof thereto attached and herewith exhibited as follows:~~

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama, a law will be passed providing for the election of a County Superintendent of Education for Marion County, Alabama; to provide that said election shall be held at the general election in November, 1924, and thereafter every fourth year; to provide that he shall take charge of the office on the first day of December, after his election, and serve for four years and until his successor is elected and qualified; that he shall be a qualified elector of Marion County, Alabama; that he shall have taught in

the public schools of Alabama, at least three years before his election; that he shall hold at the time he is elected at least a first grade Alabama teacher's certificate; that he shall make bond and take the oath of office and perform the duties as now provided by law for a county superintendent of education; that he shall be paid \$200.00 salary each month out of the school funds of the county; that within twenty days after the approval of this Act the Governor shall appoint a county superintendent of education for Marion County, Alabama, who shall serve until the first day of December, 1924, and that all laws in conflict with this Act are hereby repealed in so far as Marion County, Alabama, is concerned.

W. P. Letson.

State of Alabama, }
Marion County. }

Before me, C. E. Mitchell, a Notary Public in and for said County, in State aforesaid, personally appeared P. R. Johnson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to the 11th day of June, 1923, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 19, the 10th day of May, 1923; No. 20, the 17th day of May, 1923; No. 21, the 24th day of May, 1923; No. 22 the 31st day of May, 1923.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$10.50 and paid.

P. R. Johnson,
Publisher.

Sworn to and subscribed before me, this 11th day of June, 1923.
(Seal)

C. E. Mitchell,
Notary Public.

Also:

By Mr. Grove:

H. 383. To authorize and empower the commissioners of the City of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the City of Mobile by contract in lieu of the existing requirements.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

At the adjourned session of the Legislature of the State of Alabama, to be held in the City of Montgomery, Alabama, commencing on July 10, 1923 the following bill will be presented:

An Act to authorize and empower the commissioners of the City of Mobile to fix the duties of the Mobile Light & Railroad Company as to the pavement of streets in the City of Mobile by contract in lieu of the existing requirements.

Be it enacted by the Legislature of Alabama:

1. That the Commissioners of the City of Mobile be, and they are hereby authorized to, from time to time, contract with the Mobile Light & Railroad Company as to just what portions of the streets of the City of Mobile shall be, and what shall not be, paved by, or at the expense of the Mobile Light & Railroad Company, and just how, where, and of what material such pavement shall be done, repaired or renewed, which contractual provisions shall supersede any and all requirements of the Mobile Light &

Railroad Company already provided as to such pavement, whether contained in its franchise or charter or imposed by any general or special statute, provided, however, that nothing herein shall in anywise affect the obligations of the Mobile Light & Railroad Company in the matter of pavement of streets of the City of Mobile, as already provided, except where such changes are provided for by such contracts.

2. That all laws or parts of laws, general, local, or special in conflict herewith, be, and the same are, to the extent of such conflict, hereby repealed.

State of Alabama, }
Mobile County. }

Before me, Nettie Chandler, a Notary Public in and for said State and County, this day personally appeared A. M. Wing, who is known to me and who being by me first duly sworn deposes and says that he is Auditor of The Mobile Register, Inc., publishers of The Mobile Register, a newspaper published in said State and County, and that the attached notice of bill to be presented to Legislature appeared in the issues of said newspaper of June 19-26, July 3-10, 1923.

A. M. Wing,
Auditor.

Subscribed and sworn to before me on this the 12th day of July, 1923.
(Seal)

Nettie Chandler,
Notary Public, Mobile County, Alabama.

Also:

By Mr. Forman:

H. 473. To provide for the election of the county superintendent of education of Morgan County, Alabama, by a direct vote of all the qualified electors of said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Take notice that there will be introduced at the next session of the Legislature of Alabama a bill substantially as follows:

A bill to be entitled an Act to provide for the election of the County Superintendent of Education of Morgan County, Alabama, by a direct vote of all the qualified electors of said County.

Be it enacted by the Legislature of Alabama:

Section 1. That at the general election next after the approval of this act there shall be elected a County Superintendent of Education for Morgan County, Alabama, by a direct vote of all the qualified electors of said County, who shall hold office for four years from and after December 31, 1924, and until his successor is elected and qualified.

Section 2. That the County Superintendent of Education shall in like manner be elected every four years thereafter, whose term of office shall be four years.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

James A. Forman.

State of Alabama, }
Morgan County. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of

general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates, June 7th, June 14th, June 21st, and June 28th, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this July 14th, 1923.
(Seal)

Italyne Hardwick,
Notary Public.

Also:

By Mr. Forman:

H. 474. To regulate the nomination of candidates for the office of County Board of Education of Morgan County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Take notice that there will be introduced a bill at the next session of the Legislature of Alabama substantially as follows:

A bill to be entitled an Act to regulate the nomination of candidates for the office of County Board of Education of Morgan County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That at all primary elections held in Morgan County for the nomination of candidates for the office of County Board of Education of Morgan County, Alabama, there shall be nominated one member of the Board from each of the four commissioners or Board of Revenue districts in said County and the fifth member shall be nominated from the whole county.

Section 2. That the office of the members of said County Board of Education shall be numbered 1, 2, 3, 4, and 5; that No. 1 shall be nominated from the first Commissioners or Board of Revenue District; that No. 2 shall be nominated from the second Commissioners or Board of Revenue District; that No. 3 shall be nominated from the third Commissioners or Board of Revenue District and No. 4 from the fourth Commissioners or Board of Revenue District and No. 5 from the whole County.

Section 3. That only the voters who reside in the respective districts in which such candidates reside and for which they shall be elected to serve shall be allowed to vote for the nomination of such candidates proved that all members of the said Board of Education shall be elected at the general election from the whole county.

Section 4. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

James A. Forman.

State of Alabama, }
Morgan County. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan County, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates, June 7th, June 14th, June 21st, and June 28th, 1923.

D. K. Wiggins.

Subscribed and sworn to before me, this July 14th, 1923.
(Seal)

Italyne Hardwick,
Notary Public.

Also:

By Mr. Dowdle:

H. 397. To rearrange and redistrict the Commissioners Court Districts of Pickens County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced for passage in the adjourned meeting of the Legislature of Alabama to convene July 1923:

An Act, entitled an Act to re-arrange and redistrict the Commissioners Court Districts of Pickens County, Alabama:

Section 1. That the Commissioners Court Districts of Pickens County, Alabama, be and the same are hereby re-arranged and re-districted so as to be as follows: (a) That the following Districts shall be composed of the following named beats: Henry, Providence, Vail's Palmetto, Ethelville or Yorkville, Beard's and Reform, and shall embrace the territory in said County now covered by said beats. (b) That the Second District shall be composed of the following beats: King's Store, Olney, Franconia, or Aliceville, Vienna, Bethany, Cochrane or Fairfield, Dancy and Memphis, and shall embrace the territory in said county now covered by said beats. (c) That the Third District shall be composed of the following beats: Shelton, Corrs, Gordo, Raleigh and Bostick, and shall embrace the territory in said County now covered by said beats. (d) That the Fourth District shall be composed of the following beats: Speed's Mill, Carrollton, Spring Hill, Pickensville and Pine Grove, and shall embrace the territory in said county now covered by said beats.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

The State of Alabama, }
Pickens County. }

Before me, a Notary Public for said County, personally appeared Ben T. Rapport, Publisher of The West Alabamian, a newspaper published in said County, who, being by me first duly sworn, states that the attached notice has been regularly published once a week for four consecutive weeks in said paper in issues dated as follows: June 14, 1923, June 21, 1923, June 28, 1923, July 5, 1923.

Ben T. Rapport.

Subscribed and sworn to before me, this the 10th day of July, 1923.

Ethel Ferguson,
Notary Public.

Also:

By Mr. Sanders of Pike:

H. 398. To provide for an election by the qualified voters of Pike County, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike County," approved December the 9th, 1890, shall be repealed so as to prevent stock from running at large in Pike County at any time during the year.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its session to be assembled on the 10th day of July, 1923, for the passage of an act in substance as follows: To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an act entitled an act "To prevent stock from running at large in Pike county, approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year, to provide that said election shall be held on Tuesday, the 14th day of August, 1923, that the publication of this notice shall be notice of the holding of said election, and that if a majority of those voting on such issue in said election favor the repeal of section six of said act, so as to prevent stock from running at large in Pike county at any time during the year, that the result of said election shall be that section six of said act is repealed and that thereafter it shall be unlawful for stock to run at large in Pike county at any time during the year.

The State of Alabama, }
Pike County. }

Before me, T. V. Ballard, a Notary Public in and for said State and County, personally appeared B. G. McCalman, who being by me first duly sworn deposes and says that he is the editor and publisher of the Troy Herald, a semi-weekly newspaper published in Pike County, Alabama, and that the foregoing notice was published without cost to the State once a week for four consecutive weeks, as follows: The first publication being on June the 19th, 1923; the second publication being on June the 26th, 1923; the third publication being on July the 3rd, 1923; and the fourth publication being on July the 10th, 1923.

B. G. McCalman,
Editor and Publisher.

Sworn to and subscribed before me this the 11th day of July, 1923.
(Seal)

T. C. Ballard,
Notary Public.

Also:

By Mr. Hubbard:

H. 399. For the relief of Ed Smart.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama when the Legislature convenes in July, 1923, to-wit:

A bill to be entitled an Act for the relief of Ed. Smart.

Section 1. Be it enacted by the Legislature of Alabama, That immediately after approval of this act, the Judge of Probate of Pike County shall draw his warrant on the county depository of said county in favor of Ed Smart for the sum of one hundred and fifty dollars, being the amount paid by him on the forfeited bail bond of George Stephens, which was forfeited at the January term, 1920, of the Circuit Court of said county. Said warrant to be a preferred claim against the fine and forfeiture fund of said county.

This 15th day of May, 1923.

Ed. Smart.

The State of Alabama, }
Pike County. }

Before me, C. C. Brannen, a Notary Public in and for said county, personally appeared B. G. McCalman, who is known to me, and who being first duly sworn, deposes and says: That he is the proprietor and editor of the Troy Herald, a semi-weekly newspaper published in the city of Troy, and in Pike County Alabama; that the foregoing notice of the intention to introduce a bill in the Legislature of Alabama when the Legislature convenes in July, 1923, for the relief of Ed Smart, was published once a week for more than four consecutive weeks in the Troy Herald; that said notice first appeared in said paper in the issue of May 15th, 1923, and subsequently appeared in said paper in following issues: May 22nd, May 29th, June 5th, June 12th, June 19th, and June 26th, 1923.

B. G. McCalman.

Sworn to and subscribed before me, this the 9th day of July, 1923, and to which I have hereunto affixed by official seal as Notary Public for Pike County, Alabama.
(Seal)

C. C. Brannen,
Notary Public.

Also:

By Mr. Luck:

H. 476. To provide for the taxing and collecting of certain costs in criminal cases in the county court of Shelby County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the adjourned session thereof, which meets at the capitol at Montgomery in July 1923, to fix the fees and compensation of the Clerk of the Circuit Court while acting as Ex-Officio Clerk of the County Court, Shelby county, Alabama, as follows:

For issuing warrants of arrest.....	\$ 1.00
For issuing each subpoena or notice.....	.35
For each order of continuance.....	.50
For trial, entering judgment, and, when an appeal is taken, approving bond and certifying proceedings.....	5.00
For judgment on forfeited undertaking of bail.....	3.00
For judgment against defaulting witness.....	2.00

Said bill will provide for the taxing of said cost and the collection of same.

Shelby County. }

Personally appeared before me, L. B. Riddle, Judge of Probate in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: April 26, 1923, May 3, 1923, May 10, 1923, and May 17, 1923.

Luther Fowler.

Subscribed and sworn to before me this 12th day of July, 1923.
(Seal)

L. B. Riddle,
Judge of Probate.

Also:

By Mr. Embry (with notice and proof):

H. 300. To detach election Precinct number nine (9) in St. Clair County, known as Ragland election precinct from the Northern Judicial Division of said County, and attach the same to make it a part of the Southern Judicial Division of St. Clair County, and to confer jurisdiction with right to hear and try all matters and causes civil and criminal arising in said election precinct, on the Circuit Court in Equity, Chancery Court, Probate Court, County Court and Commissioners Court of the Southern Judicial Division of said County, with place of holding Court at the Court House of said County at Pell City; in the same manner and to the same extent as if said election precinct had never been attached to and made a part of the Northern Judicial Division of said St. Clair County.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT.

Notice is given that the following bill will be introduced at the July Session of the Legislature of Alabama:

To detach election precinct number nine (9) in St. Clair county, known as Ragland election precinct from the Northern Judicial Division of said county and attach the same to make it a part of the Southern Judicial Division of St. Clair county, and to confer jurisdiction with the right to hear and try all matters and causes, civil and criminal, arising in said election precinct, on the circuit court in equity, chancery court, probate court, county court and commissioners court of the Southern Judicial Division of said county, with place of holding court at the court house of said county at Pell City; in the same manner and to the same extent as if said election precinct had never been attached to and made a part of the northern judicial division of said St. Clair county.

Pell City, Ala., July 7, 1923.

I hereby certify that the notice of an act to detach election precinct number nine (9) in St. Clair county, Alabama, known as Ragland election precinct, from the Northern Judicial Division of said county, and attach the same to make it a part of the Southern Judicial Division of St. Clair county, was published in the Pell City News, a newspaper published at Pell City, St. Clair county, Alabama, four consecutive weeks on the following dates: June 13-20-27, July 4th, 1923, a clipping of which is hereto attached.

F. W. White,
Publisher.

Sworn to and subscribed before me this the 7th day of July, 1923.
(Seal)

Frank B. Emory,
Notary Public.

Also:

By Mr. Fanning:

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker County, Alabama, and to repeal all laws and parts of laws in conflict herewith.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the approaching session of the Alabama Legislature to pass a bill substantially as follows:

An Act to fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker County, Alabama and to repeal all laws and parts of laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the deputy solicitor of the county court of Walker County, Alabama, be, and the same is hereby fixed at the sum of \$2,400.00 per annum, which shall be payable out of the general fund of Walker County, Alabama, in monthly installments of \$200.00 each upon warrants drawn by the Probate Judge of said county, and the Judge of Probate of Walker County is hereby directed to issue a warrant for the sum of \$200.00 on the first day of the month after the passage of this act, and for the same amount on the first day of each month thereafter payable to deputy solicitor of Walker County, Alabama, for his salary.

Section II. This act shall become effective immediately upon its approval by the Governor, or otherwise becoming a law.

Section III. All laws and parts of laws, general, local or special in so far as they apply to Walker County, in conflict with the provisions of this act, be, and the same are hereby repealed.

M. E. Nettles.

State of Alabama, }
Walker County. }

Before me, a Notary Public in and for said State and County, personally appeared L. S. Richardson, who being duly sworn, deposes and says that he is publisher of The Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, and that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks May 30th, June 6th, 13th, and 20th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this 7th day of July, 1923.
(Seal)

W. E. Barrett,
Notary Public.

Also:

By Mr. Henson:

H. 148. For the relief of W. H. Harris, Clerk of the Circuit Court of Washington County and to authorize the custodian of the county funds to pay Mr. Harris the sum of \$223.45 out of the fine and forfeiture funds of Washington County for fees due him.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama for the relief of W. H. Harris, Clerk of Circuit Court of Washington County, Alabama, providing for the collection by him of fees

to be collected out of the fine and forfeiture funds of Washington County, Alabama, and authorizing the County Custodian of Washington County, Alabama, to pay such fees.

State of Alabama, }
Washington County. }

I, Joe M. Pelham, Jr., Editor of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of the notice for relief of W. H. Harris as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated December 7th, 1921, and ending with the issue dated December 28th, 1921. I further certify that I have the right and authority to make this affidavit.

Joe M. Pelham, Jr.

Sworn to and subscribed before me on this, the 19th day of January, 1922.

(Seal)

F. C. Turner,
Judge of Probate, Washington County, Alabama.

Also:

By Mr. Letson:

H. 380. To provide for the election of a County Treasurer for Marion County, Alabama, to provide for his term of office and fix his compensation, and to provide for his successor.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama, and the passage thereof urged, to be entitled an act to provide for the election of a County Treasurer for Marion County, Alabama; to provide that this election shall be held at the general election to be held in November, 1924, and every four years thereafter, and he shall take over the office on the first day of December after his election; to provide that he shall execute bond and perform the duties as now provided by the Code of Alabama; to provide for paying him a salary of \$75.00 per month, besides the premiums on his official bond; and to provide for the repeal of all laws and parts of laws in conflict with this Act in so far as Marion County, Alabama, is concerned.

W. P. Letson.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marion County. }

Before me, C. E. Mitchell, a Notary Public in and for said County, in State aforesaid, personally appeared P. R. Johnson, who, being duly sworn, doth depose and say that he is publisher of The Marion County News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for four consecutive weeks prior to the 11th day of June, 1923, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit: No. 19, the 10th day of May, 1923; No. 20, the 17th day of May, 1923; No. 21, the 24th day of May, 1923; No. 22, the 31st day of May, 1923.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$6.75 and paid.

P. R. Johnson,
Publisher.

Sworn to and subscribed before me this 11th day of June, 1923.

C. E. Mitchell,
Notary Public.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees as follows:

H. Nos. 358, 359, 340, 300, 403. To the Committee on Revision of Laws.

H. Nos. 360, 365. To the Committee on Judiciary.

H. Nos. 363, 399, 148. To the Committee on Finance and Taxation.

H. Nos. 339, 285, 283, 311, 405, 404, 353, 383, 397, 398, 476, 380. To the Committee on Local Legislation.

H. Nos. 286, 306, 376, 381, 473, 474. To the Committee on Education.

H. 303. To the Committee on Municipalities and Municipal Organizations.

H. 354. To the Committee on County and County Boundaries.

LEAVE OF ABSENCE.

Was granted Mr. Craft for today.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 187. To authorize cities and towns to reduce the area thereof and to re-establish and define their corporate limits and have a map or plat thereof made and recorded in the Probate Office of the County in which such city or town is situated, and to mark the boundaries of such city or town by proper landmarks.

Also:

S. 162. To amend Section 4224 of the Civil Code of Alabama of 1907.

Also:

S. 75. To require instruction in the public schools in this State in the necessity of care in crossing railroads, bridges, highways, and other thoroughfares in Alabama.

Also:

S. 164. To provide for the institution and prosecution of misdemeanors in the County Court of Morgan County otherwise than by indictment by the Grand Jury, or by affidavit made before the Judge of said Court.

J. P. Middleton,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read one time and referred to appropriate Standing Committee as follows:

H. 294. To the Committee on Finance and Taxation.

BILL RETURNED AND RE-REFERRED.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, to-wit:

S. 281. To amend Section 3441 of the Code of Alabama of 1907, relating to written contracts for conveyance; how executed on death of party.

Mr. Hildreth moved that said bill be re-referred to the Standing Committee on Judiciary, which motion prevailed and the President of the Senate re-referred said bill to the Standing Committee on Judiciary.

NOTICE.

Mr. Brower gave to the Senate the following notice in writing:

July 26th, 1923, being the 23rd Legislative Day of the Legislature of Alabama, Session of 1923, notice is hereby given that on the next legislative day I will move to take Senate bill No. 176

from the Adverse Calendar and place said bill upon its second reading as provided in rule 48 of the Senate of the State of Alabama.

Walter Brower,
State Senator of the 13th Senatorial District of Alabama.

BILLS ON THIRD READING.

On motion of Mr. Foster, the further consideration of the bill: S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Was postponed until the next Legislative Day without losing its place on the Calendar.

The bill:

~~S. 221. To authorize and empower County Boards of Education and City Boards of Education to appropriate and use any district three mill tax that has been or may hereafter be voted in any School District to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."~~

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Adams	Foster	Hudgens	McNeil
Bonner	Garth	Inzer	Oliver
Brower	Harlan	Johnson	Overton
Carlton	Hildreth	Jones (Conecuh)	Pelham
Duncan	Horton	Martin	Powell
Ellis	Howle	Middleton	

—23

Nays:—None.

On motion of Mr. Overton, the further consideration of the bill:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Was postponed until the next Legislative Day without losing its place on the Calendar.

ORDER TO PRINT.

On motion of Mr. Ellis, 300 copies of Section 50 of the bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Were ordered printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

H. 362. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within Precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53, and 55, as now constituted, to define the jurisdiction and powers of said court the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 362. To the Committee on Local Legislation.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bill respectively, and find same correctly enrolled, to-wit:

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an Act approved April 4, 1911, entitled "An Act to establish in precinct one, in Madison County, Alabama, an inferior court in lieu of all justices of the peace, and notaries public with the power of the justices of the peace, in said precinct to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court, and the judge thereof."

C. R. Horton,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills:

LEAVES OF ABSENCE.

Were granted Mr. Powell and Mr. Jones of Conecuh for Friday.

RECESS.

At 11:30 A. M. on motion of Mr. Hildreth the Senate took a recess until 2:45 this afternoon.

AFTERNOON SESSION—TWENTY-THIRD DAY.

Thursday, July 26th, 1923.

The Senate re-assembled at 2:45 P. M., Lieutenant Governor McDowell presiding.

ROLL CALL.

On a call of the roll, the following Senators answered to their names, a quorum of the Senate:

Messrs:			
Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Pelham
Brooks	Foster	Johnson	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Harlan	Martin	Slone
Carmichael	Hildreth	McNeil	Teasley
Craft	Howle		

—26

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Hudgens (By request):

S. 310. To regulate attendance of the public schools. To prescribe the age at which children shall attend public schools and to provide penalties for the violation of any of the provisions hereof.

Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objection and proposed amendment to the bill:

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907.

Said Governor's message containing the proposed amendment being in the following words and figures:

"Message to the House of Representatives:

I herewith return to you House Bill 74 without my approval.

My objection to the bill is that the open season for hunting turkey gobblers should be extended to include the month of March. If the bill is amended so as to allow the hunting, taking and killing of turkey gobblers in the month of March of each year it will meet my approval. I, therefore, suggest the following amendment to the bill, which will cure it of my objection:

"Strike out 'February 1st' where it occurs at the end of the ninth line of the bill and insert in lieu thereof 'April 1st.'"

Respectfully submitted,

Wm. W. Brandon, Governor.

July 24, 1923."

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 74 by a vote of a majority of the whole number elected to the House; said vote being: Yeas 63, nays 2.

And said bill, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and

passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas 57, nays 2.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the Senate for its consideration.

J. H. Stewart.
Clerk.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Griffith, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 74, the title of which is set out in the foregoing message from the House and said proposed amendment being set out in the foregoing message from His Excellency, the Governor.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Brooks	Garth	Inzer	Overton
Brower	Griffith	Johnson	Pelham
Caffey	Harlan	Jones (Conecuh)	Randall
Carmichael	Hildreth	Martin	Slone
Craft	Howle	McNeil	Teasley
Duncan	Hudgens		

—26

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, H. 74, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Howle	McNeil
Bonner	Ellis	Hudgens	Oliver
Brooks	Garth	Hutson	Overton
Brower	Griffith	Inzer	Pelham
Caffey	Harlan	Johnson	Randall
Carmichael	Hildreth	Jones (Conecuh)	Slone
Craft	Horton	Martin	Teasley

—28

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted:

S. J. R. 103. Relative to declining the invitation to the Legislature to visit Tuskegee Friday, July 27th.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 299. To provide bail pending an appeal in all felony cases where the defendant is sentenced to the penitentiary for a term of ten years or less.

Also:

H. 13. To provide for the residence of persons who are elected as members of the County Board of Education of Escambia County, and to designate or create the district in which each member of said Board shall reside, and from which they shall be elected.

Also:

H. 149. Empowering the Clerk of the Circuit Court of the County of Washington to take affidavits for the arrest of parties charged with crime and to issue warrants for the arrest of such parties, returnable before the Judge of the County Court.

Also:

H. 6. To provide for the election of a county superintendent of education for Coffee county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this act and to provide for the election of his successor in office.

Also:

H. 236. To repeal an Act entitled "An Act to incorporate the town of Pickens in Pickens County," and approved January 7, 1826.

Also:

H. 269. To require the teaching of the Constitution of the United States in the public and private schools of the State of Alabama.

Also:

H. 258. To abolish the office of deputy solicitor of Coffee County, Alabama, and to repeal all laws general, special or local

in conflict with the provisions of this Act insofar as they relate to Coffee County, Alabama.

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions:

By Mr. Ellis:

S. J. R. 91. Relative to a Joint Committee to investigate and report as to needed repairs for the Governor's Mansion.

And the Speaker named as a Committee on part of the House: Messrs. Sollie, Holcombe and Verner.

Also:

By Mr. Carmichael:

S. J. R. 93. Relative to inviting General Gouraud to address a joint session of the Legislature on the occasion of his visit to Montgomery.

And the Speaker named as a Committee on the part of the House: Messrs. Kilpatrick, Glenn and Cato.

Also:

By Mr. Carmichael:

S. J. R. 96. Relative to inviting Gen. John J. Pershing to visit the State Capitol and address a Joint Session of the Legislature of Alabama on the occasion of his visit to Alabama.

~~And the Speaker named as a Committee on the part of the House: Messrs. Snodgrass, Nichols and Walton.~~

Also:

By Mr. Jones of Barbour:

S. J. R. 97. Relative to Confederate cemeteries on Northern battlefields.

And the Speaker named as a Committee on the part of the House: Messrs. Christian, Parker, Adcock, Adams and Bealle.

And said resolutions are herewith returned to the Senate.

J. H. Stewart,
Clerk.

APPOINTMENT OF COMMITTEES.

Pursuant to S. J. R. 91 set out in the above message from the House, the President of the Senate appointed as a Committee on the part of the Senate: Messrs. Ellis and Foster.

Pursuant to S. J. R. 93 set out in the above message from the House, the President of the Senate appointed as a Committee on the part of the Senate: Messrs. Carmichael and Hudgens.

JOINT SESSION.

The hour of 3:00 o'clock having arrived, pursuant to Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives, where the Legislature of Alabama met in joint session for the purpose of hearing the address of United States Senator Dial, of South Carolina, and Honorable Angus McLean, of North Carolina.

The joint session was called to order by Lieutenant Governor McDowell, who instructed the Secretary of the Senate to call the roll of the Senate, when the following members answered to their names:

Messrs:

Adams	Ellis	Hudgens	McNeil
Brooks	Foster	Hutson	Oliver
Caffey	Griffith	Inzer	Overton
Carlton	Harlan	Johnson	Pelham
Carmichael	Hildreth	Jones (Barbour)	Powell
Craft	Horton	Jones (Conecuh)	Randall
Duncan	Howle	Middleton	Slone

—28

The Speaker of the House then directed the Clerk of the House to call the roll of the House, when the following Representatives answered to their names:

Messrs:

Mr. Speaker	Culver	Graves	Jones
Adams	Deloney	Grove	Kilborn
Adcock	Dickinson	Guy	Kilpatrick
Allen	Dowdle	Hall	Lee
Arrington	Dunwoody	Hampton	Letson
Ashcraft (Fayette)	Elliott	Hatter	Long
Ashcraft (Lauderd ¹)	Embry	Hawkins	Love
Bealle	Fanning	Henley	Melton
Blackwell	Ferrell	Henson	Mooneyham
Bowen, Lewis	Fite	Hodgson	Moorer
Bowen, L. K.	Forman	Holcombe	Moxley
Burns	Gaines	Hornsby	Nichols
Burton	Glenn	Howard	Norman
Byars	Glover	Howze	Odom
Calloway	Goode	Hubbard	Pickens
Cook	Goodwyn	Jeter	Pooler

Posey	Smith (Jefferson)	Thompson (Jackson)	Wall
Ringer	Smith (Lee)	Tiller	Walton
Rountree	Snodgrass	Tunstall	Ware
Rutherford	Sollie	Tyson	Mrs. Wilkins
Sanders (Conecuh)	Stewart (Bibb)	Varner	Williams
Sanders (Pike)	Stewart (Calhoun)	Verner	Wyatt
Sessions	Thompson (Etowah)	Walker	Young
Smith (Clay)			

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A quorum of the Legislature being present, the Lieutenant Governor announced that the purpose of the joint session was to hear the address of Senator Dial, of South Carolina, and Honorable Angus McLean, of North Carolina.

The above named gentlemen then delivered their addresses.

The Senate reconvened at 4:00 o'clock P. M., Lieutenant Governor McDowell presiding.

ROLL CALL.

On a call of the roll twenty-four members answered to their names, a quorum of the Senate.

LEAVE OF ABSENCE.

Was granted Mr. Caffey for tomorrow.

ADJOURNMENT.

At 4:05 P. M., on motion of Mr. Adams, the Senate adjourned until 10:00 o'clock tomorrow morning.

TWENTY-FOURTH DAY.

Friday, July 27th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Dr. Chester Johnson of Montgomery.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Hudgens	Oliver
Bonner	Foster	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Griffith	Johnson	Randall
Caffey	Harlan	Jones (Barbour)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeil	Waddell
Duncan			

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JOURNAL.

On motion of Mr. Tunstall the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Tunstall:

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

Judiciary.

By Mr. Oliver:

S. 312. To amend Section 1935 of the Code of Alabama of 1907.

Revision of Laws.

Also:

S. 313. To amend Section 1952 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Finance and Taxation.

Also:

S. 314. To amend Section 1942 of the Code of Alabama of 1907, as amended by Acts of the Legislature of Alabama, approved March 13th, 1911, and September 30th, 1919.

Finance and Taxation.

Also:

S. 315. To amend Section 1941 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Finance and Taxation.

Also:

S. 316. To amend Section 1946 of the Code of Alabama of 1907, as amended by an Act of the Legislature of Alabama, approved September 30th, 1919.

Finance and Taxation.

By Mr. McNeil:

S. 317. To amend Section 6376 of the Code of Alabama of 1907.

Revision of Laws.

Also:

S. 318. To amend Section 6366 of the Code of Alabama of 1907.

Revision of Laws.

Also:

S. 319. To amend Section 6372 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Teasley:

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

Banking and Insurance.

By Mr. Garth:

S. 321. To provide a general system of legislation pertaining to agriculture and industries, and related subjects, including therein the establishment of a Department of Agriculture and Industries; a State Board of Agriculture; the abolishment of the Board of Agriculture as provided by an Act approved

February 11, 1911, and known as the Board of Agriculture; the abolishment of the board provided for by Chapter 24 of the Code of 1907, as subsequently amended and known as the State Board of Horticulture; and the abolishment of a board provided for by Article 4 of Chapter 22 of the Code of 1907, as subsequently amended and known as the State Livestock Sanitary Board; the transfer of all the powers and duties vested in and required to be performed by the said boards abolished, and of any unexpended balances of fees or appropriations to the said board created in this Act; the prescribing of the powers and duties of the Commissioner of Agriculture and Industries, and of the State Board of Agriculture; and including ample provisions governing and regulating the subjects of fertilizers and fertilizer materials; limestone; white lead or paints, linseed oil, and turpentine; kerosene and other illuminating oils; insecticides and fungicides; commercial feeds; agricultural seeds; eggs; vinegar; sausage, imitation butter and cheese; milk, cream, ice cream and other dairy products, and the premises thereof; foods and drugs; bleached flour; corn meal, mills and millers; bees and honey; weights and measures, and the legal weights and measures of certain commodities; public gins; cotton; cotton standards and public cotton classers; public warehouses; uniform law of warehouse receipts; horticultural and floracultural products; trees, fruit trees, seeds, plants and vines as to name, variety and kind; citrus fruits; sale of farm products by the producer; standards for agricultural products and their containers; standards for grain; live stock; live stock pedigrees, stock running at large; estrays; public service of stallions and jacks; the sale of farm produce on commission; the leveeing, ditching and draining of wet, swamp and overflowed lands; the purchase and support of experimental farms by counties; the approval and support of county agents; the establishment of an Agricultural Fund in the State Treasury out of the sums accruing from the operation of the provisions of this Act, and the appropriations from said fund, except for those purposes that have been heretofore and are now provided for in the general appropriation bills, for the support of these provisions; and the repeal of laws and parts of laws in conflict with the provisions of this Act.

Agriculture.

Also:

S. 322. To establish and maintain branch agricultural experiment stations, one upon each of the large soil types of the State as represented in the Tennessee Valley, Appalachian Plateau, upper coastal plain, Black Belt, the wire grass section, and the fruit and trucking section of the lower coastal plain; to make it the duty of a commission, consisting of the director of

the experiment station as chairman, the Governor of the State of Alabama, the Commissioner of Agriculture and three successful farmers appointed by them, to locate the branch stations; to make it the duty of the Board of Trustees of the Alabama Polytechnic Institute to administer such branch agricultural experiment stations and to provide for carrying on investigations thereat, and to appropriate money for the expenses thereof; to authorize the board of trustees of the Alabama Polytechnic Institute to receive donations of land, houses, money or other things of value for the purpose of this Act from individuals, firms, organizations, corporations, or county municipal authorities.

Agriculture.

Also:

S. 323. To provide for the establishment of demonstration farms at or near each of the several state secondary agricultural schools of Alabama, to provide for physical plants and equipment for such farms, to make appropriations for the maintenance thereof, and to provide for their management and control.

Agriculture.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Teasley, the further consideration of the bill:

S. 101. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Was indefinitely postponed by the Senate.

SPECIAL ORDER SET.

On motion of Mr. Foster, the bill:

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State Highway Fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in

the construction and maintenance, of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Was made a special order for Monday, at 3:00 P. M.

BILLS RETURNED AND RE-REFERRED.

Mr. Inzer, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with recommendation that they be re-referred to the Standing Committee on Local Legislation, to-wit:

H. 286. To provide for the election of a County Superintendent of Education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

Also:

H. 306. To provide for the election of a County Superintendent of Education for Blount County, Alabama, by the qualified electors thereof; and to prescribe the duties and fix the term and compensation of such officer.

Also:

H. 376. To provide for the election of a County Superintendent of Education for Lawrence County, Alabama, by the qualified electors of Lawrence County at the next general election held in said county and each fourth year thereafter; to prescribe his qualifications, fix his term of office and to fix within certain limits, his salary.

Also:

H. 381. To provide for the election and appointment of a County Superintendent of Education for Marion County, Alabama, fix his or her term of office, fix the qualifications, the compensation and the successor in said office.

Also:

H. 473. To provide for the election of the County Superintendent of Education of Morgan County, Alabama, by a direct vote of all the qualified electors of said county.

Pursuant to such request, the President of the Senate re-referred said bills, H. 286, H. 306, H. 376, H. 381 and H. 473 to the Standing Committee on Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following Joint Resolution:

By Mr. Long:

H. J. R. 81—Be it resolved by the House, the Senate concurring, that when the two Houses adjourn today that they stand adjourned until Monday, July 30th, at 2 o'clock P. M.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Ellis H. J. R. 81 set out in the foregoing message from the House was, under a suspension of the rules, adopted.

BILLS ON THIRD READING.

The bill:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 17; nays, 13.

Yeas:

Messrs:

Bonner

Craft

Duncan

Griffith

Harlan

Hildreth

Hudgens

Jones (Barbour)

Middleton

McNeil

Oliver

Overton

Pelham

Slone

Teasley

Tunstall

Waddell

—17

Nays:

Messrs:

Adams

Brooks

Brower

Carlton

Carmichael

Ellis

Garth

Horton

Hutson

Inzer

Johnson

Martin

Randall

—13

The bill:

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered

or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	McNeil
Bonner	Foster	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Carlton	Harlan	Martin	Randall
Carmichael	Hildreth	Middleton	Waddell
Craft	Hutson		

—22

Nays:—None.

The bill:

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Horton	Middleton
Bonner	Foster	Hutson	McNeil
Brower	Garth	Inzer	Oliver
Carlton	Griffith	Johnson	Pelham
Carmichael	Harlan	Jones (Barbour)	Randall
Duncan	Hildreth	Martin	Waddell

—24

Nays:—None.

The bill:

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Adams	Carlton	Foster	Hildreth
Bonner	Carmichael	Garth	Hudgens
Brooks	Ellis	Griffith	Hutson

Inzer
Jones (Barbour)
Martin

Middleton
McNeil
Oliver

Overton
Pelham
Randall

Slone
Waddell

—23

Nays:—None.

The bill:

S. 268. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees. Court established.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Adams

Bonner

Brooks

Brower

Carlton

Carmichael

Craft

Duncan

Ellis

Griffith

Harlan

Andrew

Hutson

Inzer

Jones (Barbour)

Martin

Middleton

McNeil

Overton

Pelham

Randall

Slone

22

Nays:—None.

The bill:

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-establish by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, pro-

cesses and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Randall
Brower	Griffith	Jones (Barbour)	Slone
Carlton	Harlan	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Hudgens	McNeil	Waddell
Duncan			

—29

Nays:—None.

The bill:

S. 260. To amend Section 21 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Garth	Hutson	Overton
Bonner	Griffith	Inzer	Pelham
Brooks	Harlan	Johnson	Randall
Carlton	Hildreth	Jones (Barbour)	Slone
Carmichael	Horton	Martin	Teasley
Craft	Howle	McNeil	Tunstall
Duncan	Hudgens	Oliver	Waddell
Foster			

—29

Nays:—None.

The bill:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

Was taken up.

Mr. Teasley offered the following amendment to said bill:

Amend House bill No. 176 by striking out the words "Twenty-four" where they appear in Section 5 of the bill and insert in lieu thereof the words "Twenty-one."

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Brooks	Ellis	Inzer	Overton
Brower	Foster	Johnson	Pelham
Carlton	Griffith	Jones (Barbour)	Slone
Carmichael	Harlan	Martin	Teasley
Craft	Hudgens	Middleton	Waddell
Duncan	Hutson	McNeil	

—23

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hudgens	Oliver
Bonner	Foster	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Martin	Slone
Carmichael	Hildreth	Middleton	Teasley
Craft	Howe	McNeil	Waddell
Duncan			

—29

Nays:—None.

The bill:

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

Was read a third time at length and passed.

Yeas, 21; nays, 2.

Yeas:

Messrs:

Bonner	Garth	Hudgens	Oliver
Brooks	Griffith	Hutson	Randall
Carlton	Hildreth	Inzer	Slone
Craft	Horton	Middleton	Teasley
Duncan	Howle	McNeil	Tunstall
Foster			

—21

Nays:

Messrs:

Carmichael	Pelham
------------	--------

—2

On motion of Mr. Duncan, the bill:

S. 244. To repeal Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Was passed until the next Legislative Day.

On motion of Mr. Foster, the further consideration of the bill:

S. 264. To amend Section 14 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Was postponed until the 26th Legislative Day.

BILLS ON THIRD READING RESUMED.

The bill:

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Brooks	Foster	Hutson	Overton
Brower	Griffith	Inzer	Pelham
Carmichael	Harlan	Jones (Barbour)	Randall
Craft	Hildreth	McNeil	Slone
Duncan	Hudgens	Oliver	Teasley
Ellis			

—21

Nays:—None.

BILLS TAKEN FROM CALENDAR AND RE-REFERRED.

On motion of Mr. Jones of Barbour, the bill:

S. 265. To protect a bank paying checks drawn upon it by a depositor, notwithstanding the insanity, death or bankruptcy of the depositor intervening the drawing of the check and such payment, the bank at the time having no knowledge of such happening.

Was taken from today's calendar and re-referred to the Standing Committee on Banking and Insurance.

On motion of Mr. Waddell, the bill:

S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

Was taken from today's calendar and re-referred to the Standing Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

By Mr. St. John:

H. 412. To provide for the organization, regulation and government of the State Bar, including admissions and disbarments of lawyers.

And ordered same sent to the Senate without engrossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 412. To the Committee on Judiciary.

BILL TEMPORARILY POSTPONED.

On motion of Mr. Hutson, the further consideration of the bill:

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within sixty days after the return to the de-

positor of the voucher representing such payment, the depositor shall notify the bank in writing that check so paid was forged or raised.

Was postponed until the 26th Legislative Day.

BILLS ON THIRD READING RESUMED.

The bill:

S. 236. To fix the salary of the deputy solicitor of Macon county at nine hundred dollars per annum, payable in monthly instalments of seventy-five dollars, and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas, 28; nays, 1.

Yeas:

Messrs:

Bonner	Ellis	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Harlan	Johnson	Randall
Carlton	Hildreth	Jones (Barbour)	Slcne
Carmichael	Horton	Middleton	Teasley
Craft	Howle	McNeil	Tunstall
Duncan	Hudgens	Oliver	Waddell

—28

Nay: Mr. Adams—1.

The bill:

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe county, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe county, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe county; providing for the duties of members of the board of revenue with reference to public roads and bridges of Monroe county; and prescribing penalties for violation of the provisions of the same.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Bonner	Garth	Hudgens	McNeil
Brooks	Griffith	Hutson	Oliver
Brower	Harlan	Inzer	Overton
Carmichael	Hildreth	Jones (Barbour)	Pelham
Craft	Horton	Martin	Randall
Duncan	Howle	Middleton	Slcne
Ellis			

—25

Nays:—None.

The bill:

H. 292. To require all fines and forfeitures imposed by any court in Etowah county upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said county and fix penalties for the violation of the Act.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Howle	McNeil
Bonner	Foster	Hutson	Oliver
Brooks	Garth	Inzer	Pelham
Carlton	Griffith	Jones (Barbour)	Randall
Carmichael	Harlan	Martin	Slone
Craft	Hildreth	Middleton	Waddell
Duncan	Horton		

—26

Nays:—None.

The bill:

H. 298. To amend Section 15 of an Act approved September 25th, 1915 to establish a Board of Revenue for Monroe County, Alabama, and prescribing for the members thereof all the duties of the Court of County Commissioners of said county; to provide for the appointment and fix the term of office of the members of said Board of Revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Garth	Hutson	Oliver
Brooks	Griffith	Inzer	Overton
Brower	Harlan	Johnson	Pelham
Caffey	Hildreth	Jones (Barbour)	Randall
Carlton	Horton	Martin	Slone
Duncan	Howle	Middleton	Teasley
Ellis	Hudgens	McNeil	Waddell
Foster			

—29

Nays:—None.

The bill:

S. 194. To alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Horton	McNeil
Bonner	Ellis	Howle	Oliver
Brooks	Foster	Hudgens	Overton
Brower	Garth	Hutson	Pelham
Carlton	Griffith	Inzer	Randall
Jarmichael	Harlan	Martin	Slone
Craft	Hildreth	Middleton	Waddell

—28

Nays:—None.

BILL TAKEN FROM CALENDAR AND RE-REFERRED.

On motion of Mr. Duncan, the bill:

S. 291. To create the office of State Fire Commissioner of Alabama, in lieu of the office of State Fire Marshal, and to provide for the appointment of deputy fire commissioners, to define their powers and duties and to fix their compensation; provide ways and means for the enforcement of this Act and penalties for the violation thereof; and to provide means for defraying the expenses incurred under the provisions hereof.

Was taken from today's Calendar and re-referred to the Standing Committee on Finance and Taxation.

On motion of Mr. Hildreth, the further consideration of the bill:

S. 132. To define and regulate the business of dry cleaning and dyeing in cities in the State of Alabama of over six thousand population according to the last Federal census and any subsequent Federal census, and to provide for the erection and maintenance of dry cleaning and dyeing building and establishments, and the inspection by the State of buildings and establishments used for such purpose in such cities; and to provide ways and means for enforcing this Act, and penalties for the violation thereof.

Was postponed until the 27th Legislative Day.

NOTICE.

Mr. Brower gave to the Senate the following notice in writing:

Friday, July 27th, being the 24th Legislative Day, notice is hereby given as required and provided by rule 48 of the Senate

of Alabama that on the 26th Legislative Day motion will be made to take Senate bill 176 from the Adverse Calendar and place same upon its second reading.

Walter, Brower,
State Senator, 13th Senatorial District of Alabama.

LEAVES OF ABSENCE.

Were granted Messrs. Hutson and Horton for Monday.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 74. To amend Section 6958 of the Criminal Code of Alabama, 1907.

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-

five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate. And to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate, as other moneys belonging to said counties are paid.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 260. To amend Section 21 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Also:

S. 261. To provide for and prescribe the method whereby any bank or banking association organized under the laws of the United States may be converted into a State banking corporation.

Also:

S. 266. To prohibit derogatory statements affecting any bank doing business in this State and to prevent the libel or slander of any such bank, and to provide for the punishment for the violation of this Act.

Also:

S. 236. To fix the salary of the deputy solicitor of Macon county at nine hundred dollars per annum, payable in monthly installments of seventy-five dollars, and to provide for the payment thereof.

J. P. Middleton,
Chairman.

ADJOURNMENT.

At 12:35 P. M. on motion of Mr. Ellis the Senate adjourned until Monday afternoon at 2:00 o'clock.

TWENTY-FIFTH DAY.

Monday, July 30th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Mr. Adams of the Senate.

ROLL CALL.

Present:

Mr. President and
Messrs:

Adams	Duncan	Inzer	Pelham
Bonner	Ellis	Johnson	Powell
Brooks	Foster	Jones (Barbour)	Randall
Caffey	Garth	Jones (Conecuh)	Slone
Carlton	Harlan	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Overton	

—27

JOURNAL.

On motion of Mr. Inzer the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

~~By Mr. Overton:~~

S. 324. To amend Section 2062 of the Code.

Revision of Laws.

Mr. Jones of Conecuh:

S. 325. To amend Section 1614 of the Code of 1907.

Revision of Laws.

By Mr. Pelham:

S. 326. Relative to the conservation, protection and culture of fish; to provide for the establishment, maintenance, operation and administration of a fish cultural station on State lands of the Convict Department at Speigner, Alabama; to impose a

fishing license; to provide funds for the expenses necessary to the execution of the provisions of this Act; and to provide penalties for the violation of the provisions of this Act.

Fish, Game and Forestry.

By Mr. Jones of Barbour (with notice and proof) :

S. 327. To provide for the abolishment of the Barbour County County Court; to provide for the disposition of pending cases to abolish the office of Solicitor of the Barbour County Court; to abolish the office of Judge of the Barbour County Court.

Judiciary.

With notice and proof thereto attached and herewith exhibited as follows :

State of Alabama,)
Barbour County. }

Before me, A. J. Bethune, a Notary Public in and for said State and County, personally appeared W. L. Gammell, who being duly sworn deposes and says that the following advertisement, to-wit:

TO ABOLISH COUNTY COURT.

Notice is hereby given of intention to introduce a bill in the current session of the Legislature of Alabama to provide for the abolition of the county court of Barbour County and the office of county solicitor of Barbour County, and to provide for the transfer of such unfinished business as may be in said court at the time of its abolition. This notice is given in accordance with the expressed desire of a large body of people who have signed petition to this effect.

B. F. Kennedy,
M. Z. Miller,
W. M. Teal.

duly appeared for four consecutive weeks in the Clayton Record, a weekly newspaper published in Barbour County at Clayton, Ala., in the issues of said paper dated as follows: January 12th, 1923, January 19th, 1923, January 26th, 1923 and February 2nd, 1923; affiant further says that he is the publisher of said paper, and was the publisher of said paper during the time said advertisements appeared as above stated.

This July 24th, 1923.

W. L. Gammell.

Sworn to and subscribed to before me this the 24th day of July 1923.

(Seal)

A. J. Bethune,

Notary Public, Barbour County, Alabama.

By Mr. Inzer :

S. 328. To amend Act No. 679, approved September 30th, 1919, entitled "An Act to secure to persons the right of way over lands of other persons."

Revision of Laws.

LEAVES OF ABSENCE.

On motion of Mr. Inzer, leave of absence was granted Mr. Waddell for today.

On motion of Mr. Harlan, leave of absence was granted Mr. Middleton for today.

On motion of Mr. Duncan, leave of absence was granted Mr. Horton for today.

NOTICE OF CONTINUANCE OF MOTION.

Mr. Overton gives notice to the Senate that he will call up his motion to take from the Adverse Calendar, the bill:

H. 14. To provide for the election of county superintendents of education in each of the several counties of the State of Alabama by the qualified electors of said county, to prescribe his or her qualifications and duties and to provide for the salary and compensation of such officer, and to provide for the election of a county superintendent of education by the county board of education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

On the next Legislative Day.

RESOLUTION.

Mr. Craft offered the following Joint Resolution:

S. J. R. 104. Whereas, under the Acts of Congress, the several states can only obtain Federal Aid in the construction of public roads on Seven Per Cent of the gross road mileage of said states and said states are required to certify to the Secretary of Agriculture the gross road mileage of the states as of the date of the passage of the Federal Aid Act of 1921 and said states are also required to make a map of the state showing said Seven Per Cent Federal Aid System and submit the same to the Bureau of Public Roads for its approval, and

Whereas, in an effort to comply with said Act of Congress a certificate from the Highway Department was filed with the Bureau of Public Roads at Washington indicating that Seven Per Cent of the gross road mileage of Alabama was only 3,959 miles, ~~which certificate was based upon information furnished by the several courts of County Commissioners of Alabama,~~ which was afterwards ascertained to be incorrect and which information was afterwards proven to be incorrect by the United States Statistical Survey of Alabama, which survey showed the correct seven per cent road mileage of the state to be 4,077 and,

Whereas the State Highway Department has requested that it be allowed to correct said certificate, making the same 4,077 which is the just, true and correct seven per cent road mileage of Alabama, and the said Bureau of Public Roads to refuse to allow said State Highway Commission to file a correct certificate

deprives Alabama of 118 miles of road on which it is entitled to receive Federal Aid and to which it is justly entitled,

Therefore be it resolved by the Senate, the House concurring, that the Legislature of Alabama hereby memorializes the Secretary of Agriculture and the Chief of the Bureau of Public Roads to grant a hearing to the State Highway Department of Alabama and permit it to present through its appointed representatives evidence and facts of the true and correct road mileage of Alabama to the end therefore that it may be allowed to withdraw the erroneous certificate and file a corrected certificate, giving Alabama the correct mileage to which it is entitled.

Be it further resolved that copies of this resolution be promptly forwarded to Honorable Henry C. Wallace, Secretary of Agriculture at Washington, D. C.; Thomas H. McDonald, Chief of the Bureau of Public Roads, Washington, D. C., and A. E. Loder, District Engineer, Montgomery, Alabama.

Which was, under a suspension of the rules, adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same. To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate; and to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

C. R. Horton,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the

Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions to be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

~~I am returning you herewith House Bill 150, entitled A Bill to regulate the office of sheriff in counties of 200,000 population or over, etc., without my approval.~~

The title of the bill among other things authorizes the sheriff to employ an attorney to advise and represent him, whose "Commission" is to be fixed by the Board of Revenue, while the body of the Act provides that the "compensation" of such attorney shall be fixed by the Board of Revenue and paid out of the county Treasury.

If the title to the bill and the body of the bill be made to conform each to the other by an appropriate amendment, the bill would meet my approval. I, therefore recommend that the bill be amended by striking out the word "commission" in the title of the bill where it occurs in the fourth line from the last and inserting in lieu thereof the word "compensation." With this amendment it would meet my approval.

I am in doubt, however, as to the constitutionality of certain provisions of the bill as to whether they could be made to apply to any other county than Jefferson without violating the uniform provisions of the Constitution as to fees and compensation of officers, but being in doubt I am willing to yield my doubt in favor of the Legislature as to this Constitutional question.

Respectfully submitted,
Wm. W. Brandon, Governor.

July 27, 1923.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 150 by a vote of a majority of the whole number elected to the House; said vote being: Yeas 62, nays 0.

And said bill, as thus amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas 63, nays 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Foster, consideration of the foregoing House and Governor's message was postponed until the next Legislative Day on account of the absence of Mr. Brower.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment: By Mr. Ashcraft of Lauderdale:

H. 371. To amend Section 5896 of the 1907 Code of Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 371. To the Committee on Revision of Laws.

CALENDAR BILLS.

On motion of Mr. Foster the further consideration of the bill:

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State highway department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State highway department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State highway department to co-operate with the United States Government in the construction and maintenance, of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State highway commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Was postponed until the next Legislative Day without losing its place on the Calendar.

On motion of Mr. Duncan, the bill:

H. 37. To repeal an Act "to provide for the better building, maintenance and protection of the public roads and bridges of Limestone County; to provide funds, regulations and penalties to carry the provision and purposes of this Act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved September 14, 1915.

~~Was postponed until the Thirty-Fifth Legislative Day.~~

On motion of Mr. Ellis, the bill:

S. 165. To provide for the protection of orphanages in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Was postponed until the next Legislative Day.

BILL RE-REFERRED.

On motion of Mr. Duncan, the bill:

S. 244. To repeal Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections

4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Was taken from today's calendar and re-referred to the Standing Committee on Banking and Insurance.

ADJOURNMENT.

At 2:40 P. M. on motion of Mr. Overton the Senate adjourned until tomorrow morning at 9:30.

TWENTY-SIXTH DAY.

Tuesday, July 31st, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Dr. Frank Willis Barnett of Birmingham.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Oliver	Waddell
Duncan			

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JOURNAL.

On motion of Mr. Inzer, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committee, as follows:

By Mr. Teasley:

S. 329. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special or municipal election in this State while absent from the State or from the

County, in which they are qualified electors. To provide the method of carrying out such provision, and to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith.

Privileges and Elections.

By Mr. Tunstall:

S. 330. To authorize the Probate Court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Duncan, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Teasley:

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

By Mr. Teasley (with amendment):

S. 302. To provide how fraternal societies organized under the laws of this State may consolidate, merge or reinsure its insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society, and to provide penalties for the violation of the provisions hereof.

Mr. Overton, Chairman of the Standing Committee on Corporations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Overton:

S. 298. To develop, advertise and promote the resources of the several counties in the State.

Mr. Inzer, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Randall:

S. 269. To provide for the proper display of the United States flag and the flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Mr. McNeil, Chairman of the Standing Committee on Municipalities and Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the Calendar, to-wit:

By Mr. Gaines (with notice and proof):

H. 303. To alter or re-arrange the boundaries of the City of Dothan, Houston County, Alabama.

ADVERSE REPORT.

Mr. Inzer, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the Adverse Calendar, to-wit:

By Mr. Henley:

H. 104. To require instruction in the public schools in this State in regards to the humane protection of animals.

POSTPONEMENT OF MOTION.

Mr. Overton moves that he be given unanimous consent of the Senate to postponed his motion to take from the Adverse Calendar, the bill:

H. 14. To provide for the election of County Superintendents of Education in each of the several counties of the State of Alabama, by the qualified electors of such county, to prescribe his or her qualifications and duties and to provide for the salary and compensations of such officer and to provide for the election of a County Superintendent of Education by the County Board of Education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

Until the next Legislative Day.

There being no objection, such motion was granted, and the motion to take said bill from the Adverse Calendar was postponed until the next Legislative Day.

RESOLUTIONS.

Mr. Craft offered the following Joint Resolution:

S. J. R. 105. Whereas, the press reports show that President Harding has had to abandon his trip on account of illness.

Therefore, be it resolved by the Senate of Alabama, the House concurring, that the Legislature of Alabama extends to the President and Mrs. Harding its sincere sympathy and hope for a speedy recovery.

Be it further resolved, That the Governor of Alabama, Hon. W. W. Brandon, is hereby requested to transmit these sympathetic resolutions to President and Mrs. Harding.

Which was, under a suspension of the rules, adopted.

Mr. Martin offered the following Joint Resolution:

S. J. R. 106. Resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, they do adjourn until Thursday, August 2nd, at 10 A. M.

Which was referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 106. Relative to the adjournment of the two Houses until Thursday morning, August 2nd, at 10 A. M.

And on motion of Mr. Martin said report was concurred in and the resolution adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill,

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, includ-

ing fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose commission is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

Said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I am returning you herewith House Bill 150, entitled A Bill to regulate the office of sheriff in counties of 200,000 population or over, etc., without my approval.

The title of the bill among other things authorizes the sheriff to employ an attorney to advise and represent him, whose "Commission" is to be fixed by the Board of Revenue, while the body of the Act provides that the "compensation" of such attorney shall be fixed by the Board of Revenue and paid out of the county Treasury.

If the title to the bill and the body of the bill be made to conform each to the other by an appropriate amendment, the bill would meet my approval. I, therefore recommend that the bill be amended by striking out the word "commission" in the title of the bill where it occurs in the fourth line from the last and inserting in lieu thereof the word "compensation." With this amendment it would meet my approval.

I am in doubt, however, as to the constitutionality of certain provisions of the bill as to whether they could be made to apply to any other county than Jefferson without violating the uniform provisions of the Constitution as to fees and compensation of officers, but being in doubt I am willing to yield my doubt in favor of the Legislature as to this Constitutional question.

Respectfully submitted,

Wm. W. Brandon, Governor.

July 27, 1923.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 150 by a vote of a majority of the whole number elected to the House; said vote being: Yeas 62, nays 0.

And said bill, as thus amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas 63, nays 0.

And said bill, together with the Governor's message containing the proposed amendment, is herewith sent to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Adams, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 150, the title of which is set out in the foregoing message from the House, and said proposed amendment being set out in the foregoing message from His Excellency, the Governor.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brooks	Garth	Jones (Barbour)	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Harlan	Martin	Slone
Carmichael	Hildreth	McNeil	Tunstall
Craft	Howle	Oliver	Waddell
Duncan	Hudgens		

—30

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, H. 150, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carmichael	Hildreth	McNeil	Tunstall
Craft	Howle	Oliver	Waddell
Duncan	Hudgens		

—30

Nays:—None.

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Resolution:

By Mr. Adams:

H. R. 85. Resolved by the House that the Senate be requested to return House bills, in the Senate, Nos. 306, 283 and 304, for correction.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Brooks, the Senate accedes to the request of the House for the return to the House of the foregoing House bills H. 283, H. 304, H. 306, and the Secretary was instructed to return said bills forthwith to the House.

POSTPONEMENT OF MOTION.

On motion of Mr. Brower, he is granted unanimous consent to postpone his motion to take from the Adverse Calendar, the bill:

S. 176. To alter or rearrange the boundary lines of the city of Birmingham, Alabama.

Until the next Legislative Day.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment: By Mr. Goodwyn:

H. 475. To arrange the boundary between Elmore and Montgomery Counties.

And sends same herewith to the Senate with notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Montgomery County. }

Before me, T. A. Hardy, a Notary Public, in and for said County in said State, personally appeared R. F. Hudson, known to me to be the Treasurer of The Montgomery Advertiser, a newspaper published at Montgomery, in Montgomery County, Alabama, who being by me duly sworn deposes and says on oath, that the attached notice was published once a week for four consecutive weeks in said newspaper before the making of this affidavit; that the said notice is attached as follows (inserted June 17, 25, July 2, 9, 1923):

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its session beginning in July, 1923, for the passage of a law the substance of which proposed law is to rearrange the boundary between Elmore and Montgomery counties, by detaching from Elmore county and

adding to Montgomery county the following described land now in Elmore county, viz:

All the peninsular opposite the City of Montgomery, Alabama, in the bend of the Alabama river which lies South and Southeast of the North boundary of Section 28, Township 17, Range 17, said peninsular embracing fractional sections 1, 2, 3, 11 and 12 in Township 16 and fractional sections 27, 28, 33, 34 and 35 of Township 17, all in Range 17, Elmore county, Alabama.

That affiant is the Treasurer of said Montgomery Advertiser and knows the fact of publication as herein sworn to, to be true.

R. T. Goodwyn.

R. F. Hudson.

Sworn to and subscribed before me this 17th day of July, 1923.
(Seal)

T. A. Hardy,
Notary Public.

State of Alabama, }
Elmore County. }

Before me, G. H. Howard, a Judge of Probate in and for said County in said State, personally appeared Frances Golson, known to me to be the publisher of the Wetumpka Weekly Herald, a newspaper published at Wetumpka, in Elmore County, Alabama who being by me duly sworn deposes and says on oath that the attached notice was published once a week for four consecutive weeks in said newspaper before the making of this affidavit; that the said notice is attached as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its session beginning in July, 1923, for the passage of a law the substance of which proposed law is to rearrange the boundary between Elmore and Montgomery counties, by detaching from Elmore county and adding to Montgomery county the following described land now in Elmore county, viz:

All the peninsular opposite the City of Montgomery, Alabama, in the bend of the Alabama river which lies South and Southeast of the North boundary of Section 28, Township 17, Range 17, said peninsular embracing fractional sections 1, 2, 3, 11 and 12 in Township 16 and fractional sections 27, 28, 33, 34 and 35 of Township 17, all in Range 17, Elmore county, Alabama.

That affiant is the publisher of said Wetumpka Weekly Herald and knows the fact of publication as herein sworn to, to be true.

R. T. Goodwyn.

Frances Golson.

Sworn to and subscribed before me this 18th day of July, 1923.

G. H. Howard,
Judge of Probate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 475. To the Committee on Local Legislation.

BILLS ON THIRD READING.

The bill:

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State Highway Fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance, of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

Was taken up.

The Standing Committee on Judiciary offered the following substitute for said bill, to-wit:

A BILL.

To be entitled an Act to amend an act approved October 31, 1921, entitled an act to provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to provide further for the construction, repair and maintenance of the public roads, bridges, and highways in this State." Approved October 31, 1921, be, and the same hereby is, amended so as to read as follows:

Section 1. There is hereby created a State Highway Department for the State of Alabama, which shall consist of a State Highway Commission and a State Highway Engineer. The Commission shall consist of three members, no two of whom shall be from the same Congressional District, to be appointed

by the Governor. The said Commissioners shall be bona fide residents and qualified electors of Alabama. Unless otherwise removed from office as is provided for in this Act, the President of the Commission shall serve for a term of six years from date of appointment, one associate commissioner shall serve for a term of four years from date of appointment, and the other associate commissioner shall serve for a term of two years from date of appointment, after which the term of each member shall be four years, unless sooner removed as is provided for in this act. The Governor may remove any member as is now provided by ~~law for the removal of appointive officers by the Governor.~~ All vacancies in the Commission shall be filled by appointment of the Governor for the unexpired term. Two members of the Commission shall constitute a quorum for the transaction of business of the State Highway Department. Notice of all meetings of the Commission shall be given by the Secretary of the Commission in such manner and under such rules or regulations as may be prescribed by the Commission. Each of the Commissioners shall execute bond in such amount as the Governor may require, payable to the State, in some guarantee company doing business in Alabama.

Section 2. The State Highway Department shall consider and determine all questions relating to the general policy of the State Highway Department and the conduct of its work, and in the performance of its duties. It shall consider and receive the report of the State Highway Engineer, and act for the State Highway Department in all matters which have not been especially delegated to the State Highway Engineer. It shall be the duty of the department to designate the roads to be constructed, repaired and maintained and to construct, standardize repair and maintain roads and bridges in this State; and to that end and for that purpose the department may disburse any moneys hereby or otherwise appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this State. On or before the first day of April in each year, it shall be the duty of the department to submit a printed report to the Governor, stating as near as possible the number of miles of roads built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same and the location of materials suitable for road construction, showing where such roads, culverts and bridges have been constructed. The department shall also recommend to the Governor and Legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the Governor and the Legislature.

Section 3. The Department shall have a seal and each member of the Commission shall have the power to administer oaths, make affidavits, and make certificates. The Department shall be provided with suitable offices at the State Capitol, or such other places as the needs of the Department may require, but no office in any other place than the Capitol shall be established as an office of said Department without the consent and approval of the Governor in writing. All offices shall be kept open at such times as the business of the Department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the State and shall be the depository for all records of the State Highway Department. The State Highway Commissioners shall give their entire time to the duties of their office. One of the Commissioners shall be designated as Commissioner of Construction, and shall have charge of the construction of roads, and devote his time thereto, except as his time may be required on matters coming before the entire Commission. The other of the Associate Commissioners shall be designated as Commissioner of Maintenance, and shall devote his time to the maintenance and repair of roads and bridges which have been or shall be constructed or taken over under authority of this act, and they shall see that the work is done in accordance with the plans of the Department. The salary of the President of the State Highway Commission shall be \$6,000.00 per annum, and the salaries of the two associate Commissioners shall be \$5,500.00 per annum, each. Said salaries shall be paid in monthly installments on warrants drawn by the Auditor. They shall also be paid their necessary traveling expenses when absent from the offices of the said Commission on business of the Highway Department upon itemized verified statements approved by the President of the said Commission and the Governor. Nothing in this section shall conflict with the jurisdiction, authority and duties of the Governor, the State Budget Commission and the Board of Convict Supervisors.

Section 4. The Commission shall elect a State Highway Engineer, whose election shall be approved by the Governor, who shall be a competent civil engineer, having had not less than six years responsible engineering experience of which not less than three years must have been in responsible highway engineering. The State Highway Engineer shall hold office at the pleasure of the Commission and his salary not to exceed six thousand dollars per annum, shall be fixed by the Commission with the approval of the Governor, and be payable monthly. The State Highway Engineer shall also be allowed his actual and necessary traveling and other expenses as provided by law while engaged in the per-

formance of his official duties and he shall give his whole time to the duties of his office. He shall take the constitutional oath of office and both he and such of his assistants as the Governor may designate or require shall execute bonds, payable to the State in some guaranty company doing business in Alabama, which bonds shall be approved by the Governor and conditioned upon the faithful and efficient performance of their official duties. The cost of premiums of such bonds shall be paid by the State Highway Department. The State Highway Engineer shall ~~keep an official record of all the acts and doings of the State Highway Department and with the consent of the Commission~~ he may employ such assistant engineers, chemist, clerks, stenographers, draftsmen, foremen and laborers as may be necessary for the proper carrying on of the work of the State Highway Department and may fix their compensation and the time of payment which shall be paid out of the State Highway Fund. The State Highway Engineer shall give such advice and assistance to all county and municipal officials with regard to the construction and maintenance of roads and bridges in the State as his time and other duties will permit and in accordance with the rules and regulations prescribed by the Department.

Section 5. Motor vehicles used by the State Highway Department, its officials or engineers shall not be subject to any State, county or municipal license.

Section 6. The Attorney General of the State shall be ex-officio attorney for the State Highway Department and shall give such Department such legal counsel as it may require. He shall receive his necessary traveling expenses as provided by law when in the performance of the discharge of his duties as ex-officio attorney for said Department.

Section 7. The State Highway Engineer shall keep on file in his office copies of all plans and specifications prepared by the State Highway Department and the files and records of such Department shall, under reasonable regulations, be kept open for inspection of the public at all reasonable hours. Certified copies of such records shall be received in evidence in all the courts of this State.

Section 8. The State Highway Department shall cause to be made and kept in its office a general highway map of the State which shall show all State Trunk Roads. It shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. It shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State Aid.

The State Highway Engineer may at all reasonable times be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts and the Commission may also call on all county and municipal officials for any information or assistance he may require and it shall be their duty to supply the same. Any county or municipal official who wilfully and without just excuse fails or refuses to supply such information when requested by the Engineer shall be guilty of a misdemeanor and upon conviction be fined not less than ten nor more than one hundred dollars. The State Highway Engineer shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges, and culverts in the state where the funds of the state are used. He shall report all the proceedings of his office to the State Highway Commission at such times and places as it may designate.

Section 9. There is hereby appropriated to the State Highway Department, for its use the entire net revenue derived by the State from the sale of motor vehicle, trailer and tractor licenses, and there is also hereby appropriated to the State Highway Department out of the net revenue derived from the convict fund of the State of Alabama, the sum of fifty thousand dollars per annum, the same to be applied to the construction, maintenance and repair of public roads and bridges in this State, provided that all funds accruing from other sources to said State Highway Department for its use and for the improvement of the public roads, culverts and bridges in Alabama, and being in the State Treasury shall be in lieu of said convict fund hereinabove provided for to the extent of the amount thereof, thereby relieving said convict fund pro tanto to such extent. Such other appropriations or funds received by the State Highway Department shall be expended and accounted for as herein provided. Said State Highway Fund shall be paid out of the Treasury on the State Auditor's warrant drawn upon presentation to him of the certificate of the State Highway Department signed by the State Highway Engineer and approved by the President.

Section 10. All proceeds arising from the sale of State Highway Bonds and the revenue appropriated to the State Highway Department, when received by the State Treasurer shall be set aside in a special fund known as the State Highway Fund, and be used for no other purpose than in the carrying out of the provisions of this Act. The Revenue derived by the State from the sale of motor vehicles, trailer and tractor licenses and all other appropriations shall be used for the following purposes, first, to provide a sinking fund sufficient for the retirement of the said road bonds as they shall mature, second, for the expenses

of the Highway Department and for the maintenance of roads and bridges constructed under the provisions of this Act, third, for the purchase of supplies and material, live stock and machinery, and any balance for the construction of roads and bridges. Annually, at such times as they may deem most convenient or suitable, the State Highway Department, shall, out of said revenues, set apart a sum sufficient for the providing of said sinking fund and for the further expenses of the Highway Department and the maintenance of constructed roads and bridges, and the sum so set apart shall be used for no other purposes whatever. ~~The proceeds of the sale of State road bonds and the moneys appropriated by Congress under the Act known as the Federal Aid Law, shall be used exclusively for the purpose of constructing highways and bridges and the acquisition of bridges and of material.~~

Section 11. The State Highway Department shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance ~~of the public roads and bridges in Alabama which the Commission shall deem proper. The Department shall have the power~~ to enter into contracts and agreements with the owners or operators of telegraph or telephone lines or power transmission lines which are constructed or operated along or across the public roads, bridges and highways of this State and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph or telephone companies so as to insure the safety of the public in using the roads, bridges and highways in this State. The Department may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges, or highways of the State, upon which State money may be expended or appropriated, or upon any part of the right of way of any of the public roads or highways in the State, upon which the State money may be expended or appropriated. The Department shall also have the right and power to prescribe reasonable rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges, or highways of the State upon which State money may be expended or appropriated. The Department shall also have the right and power to contract and enter into agreements with other states as to the construction, repair, or maintenance of any bridge across any stream which forms the boundary line between this and any other State.

Section 11. No member of the State Highway Commission, the State Highway Engineer or any other person in the employ of the State Highway Department shall be either directly

or indirectly interested in any contract or agreement for the construction or maintenance of any road or bridge in this State, or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges in this State and any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be sentenced to imprisonment in the penitentiary for not less than two nor more than ten years.

Section 12. The State Highway Department shall reserve out of the State Highway Fund a sufficient sum annually, based upon estimates furnished by the State Highway Engineer, to support the State Highway Department, the balance shall be used in the construction and maintenance and repair of the State Trunk Roads and bridges on the State Trunk Roads as is or may be provided by law. Before making any appropriations to counties of State aid fund, the State Highway Department shall first set aside out of the State Highway Fund a sum which, in its opinion, is sufficient to secure the Federal Fund apportioned to this State, so that the State will not lose the benefit of the appropriation of Federal Aid. Whenever the Court of County Commissioners, Board of Revenue or other like governing body of a county shall desire that a State Trunk Road or a bridge on a State Trunk Road in said county be constructed or maintained, with State Aid, written application shall be made by the county to the State Highway Department under such rules and regulations as the Department may prescribe. Such applications, when made, shall be considered by the Department and if approved by it, the State Highway Engineer or one of his assistants shall view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of construction of maintenance and the State Highway Department may thereupon appropriate out of the State Highway Fund such part of the estimated cost of such work as it may deem proper and the State Highway Department shall proceed to do such work by contract or with its own forces. If it deems best, the Department may accept appropriations from the county for said work which shall be paid into the State Treasury to the credit of the State Highway Fund before the work begins. Whenever a county fails to make application for the construction or maintenance of a road, or bridge or the department deems it best for such work to be done, it may proceed to construct or maintain any part of the State Trunk Road or bridge upon a State Trunk Road and pay part of all the cost of such work out of the State Highway Fund.

Section 13. The State Highway Department shall furnish a competent engineer, when needed, during the progress of road or

bridge construction, repair or maintenance in any county under the provisions of this Act, who shall supervise said work and see that the plans and specifications are complied with. Whenever it is proposed to do such work by contract and the estimated cost of such work exceeds five thousand dollars, the State Highway Department shall advertise for bids for at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery and in a newspaper published in the county where the work is to be done, and in any other newspaper or periodical if the Department deems such other publication necessary, and shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder. ~~When proposals are asked for doing work of a general nature over the State it shall not be necessary for advertising to be inserted in papers in each county, but the Department must advertise in at least three daily papers published in the State for at least two weeks. It shall reserve the right, however, to reject any and all bids and call for new bids, or perform the work or any part of said work by day labor or convict labor or by entering into a contract with the Convict Department of the State to do such work or labor as it may deem best for the interest of the State and the county.~~ The State Highway Department may enter into contracts with any of the counties of this State, or with any of the municipalities of this State as it may with individuals, firms or private corporations, to do any work in the construction, repair, or maintenance of the roads, bridges or highways in this State. When any work is to be done by contract, whether with individuals, firms, private or public corporations, the State Highway Department shall require a bond in some guaranty company doing business in this State, of the contractor, for the faithful performance of the work agreed and contracted to be done. Such bonds shall be payable to the State of Alabama and shall be approved by the State Highway Department and it shall be in an amount equal to the contract price and conditioned to do and perform the work in accordance with the contract or agreement, and in accordance with specifications to be prescribed by the State Highway Engineer. The State Highway Department may authorize partial payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon materials placed and labor expended upon the work, but not more than 85% of the contract price of the work shall be paid in advance of the full completion and acceptance of the work. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and accepted by the State Highway Engineer.

Section 14. Every contract for road or bridge construction, repair or maintenance under the provisions of this Act shall be made in the name of the State of Alabama, approved by the State Highway Department and signed by the State Highway Engineer and countersigned by the President of the State Highway Commission.

Section 15. The rights of way deemed necessary by the State Highway Department for a road or bridge constructed under the provisions of this Act shall be acquired by the county in which such road is to be located, without expense to the State. Should the county fail or refuse to acquire the necessary right of way, the State through the State Highway Department shall have authority to acquire such right of way, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings, as is provided for under the laws of this State. The State, acting through the State Highway Department and its duly authorized employees and the various counties of the State, acting through the Board of Revenue or other like body and their duly authorized employees, in the doing of public road work, shall have and exercise the right, power and authority, when deemed necessary or advisable so to do, to close public roads to traffic, and when possible so to do, to make detour roads and to contract for such land as may be necessary for such detour roads; also to acquire by purchase or by condemnation land necessary for drainage ditches and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, gravel and gravel pits, together with any and all other material of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw material from the same to such extent as may be desired, and the State Highway Department shall also have a right to acquire by purchase or condemnation rights of way necessary for ingress and egress to such material pits as above named.

Section 16. No road constructed or maintained under the provisions of this Act shall be dug up or used for laying pipe line, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Highway Engineer and such work shall be done only in accordance with regulations prescribed by the said Engineer and the cost of replacing the road in as good condition as it was before such work was done shall be paid by the person, firm or corporation to whom or in whose behalf such permit was given. Such person, firm, or corporation so desiring such work, shall furnish the State with a cash deposit or certified check upon a solvent bank in the amount required by the State Highway Engineer conditioned that the

sum is to be forfeited to the State in the event that said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 17. The State Highway Department is authorized to rent, construct or purchase such buildings, stock, machinery, tools, materials and other equipment as it may find necessary for use in carrying out the provisions of this Act and pay for the same out of the State Highway Fund. It shall also pay out of said fund the necessary expenses of the Department of every ~~description including traveling expenses of the officials and~~ engineers, foremen and clerks, while in the actual performance of their duties authorized or imposed by this Act and also the cost of all supplies or materials furnished for said Department, and for the maintenance of all live stock and machinery used by the Department or its agents.

Section 18. The State Highway Department shall have full authority to make such changes or additions to the system of ~~State Trunk Roads to conform to the requirements of the Federal Aid Law, as it may deem proper and construct or maintain~~ the same with State Aid under the provisions of this act.

Section 19. The State Highway Department may work State Convicts in the construction or maintenance of public roads and bridges of Alabama as may now or may hereafter be provided by law, or may work State Convicts in construction, repairing, or maintaining public roads or bridges by contract or agreement with the Board of Convict Supervisors.

Section 20. The State of Alabama hereby assents to the provisions of the Act of Congress approved July 11, 1916, known as the Federal Aid Law, which Act of Congress is entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," and assents to all subsequent amendments to such act of Congress. The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction, and maintenance of rural post roads under the provisions of said act of Congress and all amendments thereto, to submit such schemes or programs of construction and maintenance as may be required by the Secretary of Agriculture, and to do all other things necessary to fully carry out the co-operation, contemplated and provided for by said Act of Congress and all amendments thereto. The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the sum apportioned to the State by or under the United States Government and maintain the roads constructed under the provisions of the Act of Congress or any amendment

thereto and to make adequate provision for caring for such maintenance.

Section 21. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State Trunk Roads so as to connect each county seat with the county seat of the adjoining county by the most direct and most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states.

From and after the passage of this act no contract or agreement for the location or construction of any road or highway in this State shall be made unless such road or highway shall tend to connect the various county seats of the State as provided for in the act approved September 30, 1919, and also an act approved October 29, 1921. Provided this act shall not interfere with any road work contracted for before the passage of this act.

Section 22. It shall be the duty of said Highway Commission or Highway Department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investment; said roads to be constructed or maintained without expense to the several counties, except as is otherwise provided in this Act, or other laws of this State.

Section 23. By the phrase "equitably apportioned" as is used in the next preceding section of this act is meant that not less than one-quarter of a million dollars of State funds for roads shall be set aside and expended in each county in the State by the State Highway Commission.

Section 24. The State Highway Department in addition to the right, authority and powers conferred upon it by this Act, is authorized to make all such reasonable rules and regulations as the Department may deem necessary to carry out the provisions of this Act and to construct, maintain and repair the public roads and bridges of this State; and any person, firm or corporation who violates any of the provisions of this Act or any reasonable rule or regulation prescribed by the State Highway Department for the better construction, repair and maintenance, protection and preservation of the public roads, bridges, highways and rights of way of roads and highways of this State, shall be guilty of a misdemeanor and on conviction, shall be punished by a fine of not less than ten nor more than five hundred dollars, and at the discretion of the judge trying the case, in addition to the fine may be sentenced to hard labor for a term of not to exceed six months, except in a case in which a different punishment is provided for in this Act, then the pun-

ishment so provided for otherwise in this Act shall be imposed.

Section 25. All laws, or parts of laws, local or general, inconsistent or in conflict with the provisions of this Act, are hereby repealed.

Section 26. If any section or provision of this Act shall be held to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not of itself void and unconstitutional.

Section 27. This Act shall take effect thirty days after approval of the Governor.

~~Mr. Pelham offered the following amendment to said substitute:~~

Amend Section 21 by adding the words: "By the most direct route" between the words "State" and "as" on line 12 of Section 21 of the substitute.

Mr. Craft moved that the bill and pending amendments be re-referred to the Standing Committee on Public Roads and Highway.

~~Mr. Martin moves that the motion made by Mr. Craft be laid on the table, which motion prevailed and the motion of Mr. Craft was tabled.~~

Yeas, 19; nays, 13.

Yeas:

Messrs:

Bonner	Duncan	Inzer	Powell
Brooks	Ellis	Jones (Conecuh)	Randall
Caffey	Foster	Martin	Tunstall
Carlton	Hildreth	McNeil	Waddell
Carmichael	Hutson	Oliver	

—19

Nays:

Messrs:

Adams	Griffith	Hudgens	Overton
Brower	Harlan	Johnson	Pelham
Craft	Howle	Jones (Barbour)	Slone
Garth			

—13

The question then recurred on the adoption of the amendment offered by Mr. Pelham, which was adopted.

Yeas, 15; nays, 15.

Yeas:

Messrs:

Bonner	Foster	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Tunstall
Carlton	Harlan	Jones (Conecuh)	Waddell
Duncan	Howle	Overton	

—15

*Nays:**Messrs:*

Adams	Garth	Inzer	Powell
Brooks	Hildreth	Martin	Randall
Caffey	Hudgens	McNeil	Slone
Ellis	Hutson	Oliver	

—15

Said vote being a tie, the Lieutenant Governor and Presiding Officer of the Senate voted yea.

Mr. Pelham also offered the following amendment to said substitute:

Amend Section 23 by striking out the words "one-quarter of a million dollars" where they appear therein and insert in lieu thereof the words "three hundred thousand dollars."

Which was adopted.

Yeas, 30; nays, 0.

*Yeas:**Messrs:*

Adams	Duncan	Hutson	Oliver
Bonner	Ellis	Inzer	Pelham
Brooks	Foster	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Tunstall
Carmichael	Howle	McNeil	Waddell
Craft	Hudgens		

—30

Nays:—None.

Mr. Hildreth offered the following amendment to said substitute:

Amend substitute to Senate bill No. 172 by inserting in Section 4 of the substitute on line 9 immediately after the word monthly the following sentence: The State Highway Engineer shall not be entitled to a vote on matters coming before or considered by the State Highway Department.

Which was adopted.

Yeas, 26; nays, 5.

*Yeas:**Messrs:*

Adams	Garth	Johnson	Overton
Brooks	Griffith	Jones (Barbour)	Pelham
Caffey	Harlan	Jones (Conecuh)	Powell
Carlton	Hildreth	Martin	Randall
Duncan	Hudgens	McNeil	Tunstall
Ellis	Hutson	Oliver	Waddell
Foster	Inzer		

—26

*Nays:**Messrs:*

Bonner	Craft	Howle	Slone
Brower			

—5

Mr. Martin offered the following amendment to said substitute, to-wit:

Amend Section 1 on line 4 by striking out the word "three" and substituting the word "five."

Pending the further consideration of said bill and amendments, the Senate repaired to the Hall of the House of Representatives for the purpose of the Joint Session to hear the address of Senator Oscar W. Underwood.

~~The Joint Session was called to order by Lieutenant Governor McDowell, who directed the Secretary of the Senate to call the roll of the Senate, when the following members answered to their names:~~

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Cailey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Howe	McNeill	Tunstall
Craft	Hudgens	Oliver	Waddell
Duncan			

—33

The Speaker of the House then directed the Clerk of the House to call the roll of the House of Representatives, when the following members answered to their names:

Messrs:

Mr. Speaker	Fanning	Kilborn	Sanders (Conecuh)
Adams	Ferrell	Kilpatrick	Sanders (Pike)
Adcock	Fite	Lee	Sessions
Allen	Forman	Letson	Smith (Clay)
Arrington	Gaines	Long	Smith (Jefferson)
Ashcraft (Fayette)	Glenn	Love	Smith (Lee)
Ashcraft (Lauderd ¹)	Glover	Luck	Snodgrass
Bealle	Goode	McDaniel	Sollie
Blackwell	Goodwyn	McGowen	Stewart (Bibb)
Bowen, Lewis	Graves	Melton	Stewart (Calhoun)
Bowen, L. K.	Grove	Mooneyham	Thompson (Lew ² Wah)
Boykin	Guy	Moorer	Thompson (Jackson)
Burns	Hall	Nichols	Tiller
Burton	Hampton	Norman	Tunstall
Byars	Hatter	Odom	Tyson
Calloway	Henley	Parker	Varner
Coleman	Henson	Patterson	Walker
Cook	Hodgson	Pickens	Wall
Culver	Holcombe	Posey	Walton
Deloney	Hornsby	Powell	Ware
Dickinson	Howard	Ringer	Mrs. Wilkins
Dowdle	Howze	Rountree	Williams
Dunwoody	Jeter	Rutherford	Wyatt
Elliott	Jones	St. John	Young
Embry			

—97

The Lieutenant Governor then announced that a quorum of the Legislature of Alabama was present, and that the purpose of the Joint Session was to hear the address of Senator Oscar W. Underwood.

Mr. Underwood was then presented to the Legislature by Governor Brandon and delivered his address, at the conclusion of which, the Senate returned to its Chamber.

The Senate was called to order by Lieutenant Governor McDowell, President.

Upon a call of the roll, a quorum was present.

RECESS.

At 12:35 P. M., on motion of Mr. Adams, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.—TWENTY-SIXTH DAY.

Tuesday, July 31st, 1923.

The Senate re-assembled at 3 o'clock P. M., Lieutenant Governor McDowell presiding.

ROLL CALL.

On a call of the roll, the following members answered to their names, a quorum of the Senate:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Howle	McNeil	Tunstall
Craft	Hudgens	Oliver	Waddell
Duncan			

—33

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted

By Mr. Craft:

S. J. R. 105. Relative to transmitting to the President and Mrs. Harding the sympathy of the Legislature of Alabama due to the illness of the President.

And returns said resolution herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 106, relative to the adjournment of the two Houses today until Thursday, August 2nd, at 10 o'clock A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was the bill:

S. 172. To amend an Act approved September 30, 1919, entitled "An Act to create a State Highway Department; to define its powers and duties; to authorize State aid in the construction and maintenance of public roads and bridges; to create a State highway fund and to provide for its expenditure; to impose certain duties upon county and municipal officials and to provide a penalty for their failure to discharge same; to authorize the State Highway Department to work State convicts upon public roads and bridges as is now or may hereafter be provided by law; to assent to the Act of Congress approved July 11, 1916, known as the "Federal Aid Law" and to authorize the State Highway Department to co-operate with the United States Government in the construction and maintenance of rural post roads; and to repeal the Act approved April 5, 1911, entitled "An Act to provide for the creation of a State Highway Commission, defining its powers, duties and compensations, and methods to be adopted for control of same and for appropriation and maintenance of the same and to give State aid and State supervision over all public roads, culverts and bridges of the State for construction of a permanent nature and the maintenance thereof wherein any portion of the appropriation hereinafter made shall be used for such purpose; and to make an appropriation therefor out of the net revenue of the convict fund of the State and from other sources."

And the substitute offered thereto by the Committee on Judiciary and set out in the morning session, and the amendment offered to said substitute by Mr. Martin as follows:

Amend Section 1 on line 4 by striking out the words "three" and substituting the word "five."

Mr. Foster moves that the amendment offered by Mr. Martin be laid on the table, which motion prevailed and the amendment was tabled.

Yeas, 21; nays, 12.

Yeas:

Messrs:

Bonner
Brooks

Caffey
Carlton

Duncan
Ellis

Foster
Garth

Griffith
Hildreth
Hutson
Inzer

Jones (Conecuh)
Oliver
Overton

Pelham
Powell
Randall

Teasley
Tunstall
Waddell

—21

Nays:

Messrs:

Adams
Brower
Carmichael

Craft
Harlan
Howle

Hudgens
Johnson
Jones (Barbour)

Martin
McNeil
Slone

—12

Mr. Howle offered the following amendment to said substitute:

Amend the bill as follows by striking out the word "three" where it occurs in line 4 in Section 1 and by adding in lieu thereof the word "ten."

Mr. Foster moves that the amendment offered by Mr. Howle be laid on the table, which motion prevailed and the amendment was tabled.

Mr. Garth offered the following amendment to said substitute:

Amend substitute for S. 172 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. There is hereby created a State Highway Department for the State of Alabama which shall consist of three Commissioners to be appointed by the Governor. The said Commissioners shall be qualified electors of Alabama and residents of this State and before entering upon their duties they shall be required to take the Constitutional oath of office. At the time of their appointment the Governor shall designate one of the Commissioners as the President and the other two as Associate Commissioners. Unless otherwise removed from office as is provided for by law, the President of the Commission shall serve for a term of six years from date of appointment. One associate Commissioner shall serve for a term of six years from date of appointment, and the other associate Commissioner shall serve for a term of two years from date of appointment, after which the term of each member shall be four years, unless sooner removed as is provided by law. The Governor may remove any member as is now provided by law for the removal of appointed officers by the Governor. All vacancies in the Commission shall be filled by appointment of the Governor for the unexpired term. Two members of the Commission shall constitute a quorum for the transaction of business of the State Highway Department. Notice of all meetings of the Commission shall be given by the Secretary-Auditor of the Commission in such manner and under such rules or regulations as may be prescribed by the Commission. The members of the Commission shall have paid by the

State their actual traveling and other necessary expenses incurred in the discharge of their official duties. The Commission shall have a seal and each member of the Commission shall have the power to administer oaths, make affidavits and certificates.

Mr. Foster moves that the amendment offered by Mr. Garth be laid on the table, which motion prevailed and the amendment was tabled.

Mr. Garth also offered the following amendment to said substitute, to-wit:

Amend by striking out Section 3 and inserting the following:

~~Section 3. The President of the Commission shall devote his entire time to the duties of the office and receive therefor a salary of \$6,000.00 per annum, payable in equal monthly installments, and shall execute bond in a sum to be fixed by the Governor, made payable to the State, with some guaranty company doing business in the State of Alabama with a resident agent, which bond shall be approved by the Governor, conditioned upon the faithful discharge of the duties of his office and the full and proper accounting for all public funds and property coming into his possession or under his control, the amount of said bond being subject to increase at the discretion of the Governor. The premiums on said bond shall be paid by the State Highway Department. The President shall preside over all meetings of the Commission. He shall have full supervision and authority over all employees. He shall make recommendations to the Governor. He shall have kept a record of every act of the State Highway Commission and shall exercise general executive control over all matters of the Department.~~

The associate commissioners shall attend all regular meetings and special meeting of the Commission and act in general advisory capacity with the President, and in addition thereto shall perform such other special duties as may from time to time be agreed upon by the Commissioners or as may be requested of them by the President of the Commission. The associate commissioners shall each be paid on a per diem basis not to exceed \$15.00 per day and not to exceed sixty days in any one year. Provided however, that upon request of the President of the Commission approved by the Governor, the Associate Commissioners may be called upon for not exceeding fifteen days additional service in one year in excess of the sixty days as hereinabove provided.

Mr. Ellis moved that the amendment offered by Mr. Garth be laid on the table, which motion prevailed and said amendment was tabled.

Yeas, 23; nays, 10.

Yeas:

Messrs:				
Brooks	Ellis	Inzer	Overton	
Caffey	Foster	Jones (Barbour)	Powell	
Carlton	Griffith	Jones (Conecuh)	Randall	
Carmichael	Harlan	Martin	Tunstall	
Craft	Hildreth	McNeil	Waddell	
Duncan	Hudgens	Oliver		—23

Nays:

Messrs:				
Adams	Garth	Johnson	Slone	
Bonner	Howle	Pelham	Teasley	
Brower	Hutson			—10

Mr. Adams offered the following amendment to said substitute:

Amend Section 3 of the substitute for S. 172 by striking out the figures "\$6,000.00" and "\$5,500.00" and inserting in lieu thereof the figures \$4,000.00 and \$3,500.00.

Mr. Foster moved that said amendment be laid on the table, which motion prevailed and said amendment was tabled.

Yeas, 21; nays, 11.

Yeas:

Messrs:				
Bonner	Ellis	Hutson	Overton	
Brooks	Foster	Inzer	Powell	
Caffey	Garth	Jones (Conecuh)	Randall	
Carlton	Harlan	McNeil	Tunstall	
Carmichael	Hildreth	Oliver	Waddell	
Duncan				—21

Nays:

Messrs:				
Adams	Griffith	Johnson	Pelham	
Brower	Howle	Jones (Barbour)	Slone	
Craft	Hudgens	Martin		—11

Mr. Griffith offered the following amendment to said substitute:

Amend the substitute for S. 172 by adding the following to Section 1 just after the word "Governor" where same first appears on the fifth line "Said appointments to be confirmed by the Senate of Alabama."

Which was adopted.

Yeas, 29; nays, 1.

Yeas:

Messrs:				
Adams	Carlton	Garth	Howle	
Bonner	Craft	Griffith	Hudgens	
Brooks	Ellis	Harlan	Hutson	
Caffey	Foster	Hildreth	Inzer	

Johnson	McNeil	Pelham	Slone
Jones (Barbour)	Oliver	Powell	Tunstall
Jones (Conecuh)	Overton	Randall	Waddell
Martin			

—29

Nays: Mr. Duncan—1.

Mr. Johnson offered the following amendment to said substitute, to-wit:

To amend Section 4 of the substitute of the bill by inserting therein the word "two" in line four (4) in lieu of the word "six" before the word years and by striking out the word "six" and by inserting the words "one year" in line five (5) in lieu of the words "three years" and by striking out the words "three years."

On motion of Mr. Ellis said amendment was laid on the table.

Yeas, 19; nays, 12.

Yeas:

Messrs:

Brooks	Ellis	Martin	Randall
Caffey	Foster	McNeil	Slone
Carlton	Hildreth	Oliver	Tunstall
Craft	Hutson	Overton	Waddell
Duncan	Inzer	Powell	

—19

Nays:

Messrs:

Adams	Carmichael	Howle	Jones (Barbour)
Bonner	Griffith	Hudgens	Jones (Conecuh)
Brower	Harlan	Johnson	Pelham

—12

Mr. Brower offered the following amendment to said substitute:

Add after the word "fund" in line 28 of Section 4: "Provided that not more than \$25,000 (twenty-five thousand dollars) shall be expended in any one year for this purpose."

On motion of Mr. Foster said amendment was laid on the table.

Yeas, 17; nays, 16.

Yeas:

Messrs:

Bonner	Ellis	Inzer	Randall
Brooks	Foster	McNeil	Slone
Caffey	Garth	Oliver	Tunstall
Carlton	Hildreth	Powell	Waddell
Duncan			

—17

Nays:

Messrs:

Adams	Griffith	Hutson	Martin
Brower	Harlan	Johnson	Overton
Carmichael	Howle	Jones (Barbour)	Pelham
Craft	Hudgens	Jones (Conecuh)	Teasley

—16

Mr. Inzer offered the following amendment to said substitute, to-wit:

Amend said bill by adding after amendment No. 9 the following:

Provided that should a vacancy occur on said Commission, the Governor may make such appointment and such appointee shall serve as a member of said Commission until confirmed by the Senate, or removed by the Governor as otherwise provided herein.

Which was adopted.

Yeas, 29; nays, 1.

Yeas:

Messrs:

Bonner	Garth	Johnson	Pelham
Brooks	Griffith	Jones (Barbour)	Powell
Brower	Hildreth	Jones (Conecuh)	Randall
Caffey	Howle	Martin	Slone
Carlton	Hudgens	McNeil	Teasley
Carmichael	Hutson	Oliver	Tunstall
Ellis	Inzer	Overton	Waddell
Foster			

—29

Nays: Mr. Adams—1.

Mr. Brower offered the following amendment to said substitute, to-wit:

Amend Section 9 of the bill by striking out all that part of said section beginning with the word "and" where it occurs in line 4 of said section down to and including the word "extent" where said word occurs in line 14 of said section.

Which was adopted.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Slone
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle	McNeil	Waddell

—32

Nays:—None.

Mr. Johnson offered the following amendment to said substitute, to-wit:

To amend Section 4 by striking out the words "and other" where they appear together in line 11 between the words "traveling" and "expenses."

Which was adopted.
Yeas, 25; nays, 0.

Yeas:

Messrs:
Adams
Bonner
Brooks
Brower
Carmichael
Craft
Ellis

Foster
Garth
Griffith
Harlan
Hildreth
Howle

Hutson
Inzer
Johnson
Jones (Barbour)
Jones (Conecuh)
Martin

McNeil
Oliver
Overton
Pelham
Tunstall
Waddell

—25

Nays:—None.

And said substitute, as thus amended, was then adopted.
Yeas, 25; nays, 8.

Yeas:

Messrs:
Bonner
Brooks
Caffey

Foster
Garth
Harlan

Jones (Conecuh)
Martin
McNeil
Oliver

Powell
Randall
Slone
Teasley

Carlton
Carmichael
Duncan
Ellis

Hildreth
Hutson
Inzer

Overton
Pelham

Tunstall
Waddell

—25

Nays:

Messrs:
Adams
Brower

Craft
Griffith

Howle
Hudgens

Johnson
Jones (Barbour) —8

And said bill as thus amended, was read a third time at
length and passed.
Yeas, 24; nays, 8.

Yeas:

Messrs:
Bonner
Brooks
Caffey
Carlton
Carmichael
Duncan

Ellis
Foster
Garth
Hildreth
Hutson
Inzer

Jones (Conecuh)
Martin
McNeil
Oliver
Overton
Pelham

Powell
Randall
Slone
Teasley
Tunstall
Waddell

—24

Nays:

Messrs:
Adams
Brower

Craft
Griffith

Howle
Hudgens

Johnson
Jones (Barbour) —8

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House
bills, your signature thereto is requested:

H. 298. To amend Section 15 of an Act approved September 25th, 1915 to establish a Board of Revenue for Monroe County, Alabama, and prescribing for the members thereof all the duties of the Court of County Commissioners of said county; to provide for the appointment and fix the term of office of the members of said Board of Revenue; to provide for the election of their successors in office so as to prevent all of said members being elected at the same time and to permit the nomination and election of said members by the voters of their respective districts.

Also:

H. 274. To provide for the working, repairing, maintaining and improving the public roads of Monroe County, Alabama; to prescribe rules and regulations for the same; to provide a per capita road tax in lieu of labor on the public roads of Monroe County, Alabama, and for the collection thereof; for the levying and collection of a license tax for vehicles and motor driven trucks; providing for superintendents of the public roads of Monroe County; providing for the duties of members of the Board of Revenue with reference to public roads and bridges of Monroe County; and prescribing penalties for violation of the provisions of the same.

Also:

H. 292. To require all fines and forfeitures imposed by any court in Etowah county upon conviction of any criminal offense against the criminal laws of the State to be paid in cash, requiring such fines and forfeitures to be paid into the fine or forfeiture fund of the county, to provide for the registration and payment of claims against said fund and to appropriate any surplus of such fund to the public road fund of said county and fix penalties for the violation of the Act.

Also:

H. 176. To provide for the appointment of official court reporters for circuit courts by the judges in judicial circuits composed of one county and having two judges of said court, to fix their compensation and provide for the payment of same, to define their duties and provide for special reporters in certain cases, and to repeal all conflicting laws.

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled S. J. R. with the engrossed and original S. J. R. respectively, and find same correctly enrolled, to-wit:

S. J. R. 105. Relative to the Legislature of Alabama extending to President and Mrs. Harding its sincere sympathy and wishes for a speedy recovery from his sudden illness.

C. R. Horton,

Chairman.

SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing resolution, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

J. H. Stewart,
Clerk.

APPOINTMENT OF COMMITTEE.

Pursuant to the provisions of the resolution:

S. J. R. 86. Relative to creating a committee of two from the Senate and three from the House to make a careful investigation of the clerical work of the two houses with a view to suggesting a more efficient, expeditious and economical method of handling this work.

The President and Presiding Officer of the Senate appointed as a Committee on part of the Senate, Messrs. Tunstall and Waddell.

ADJOURNMENT.

At 5:15 P. M., on motion of Mr. Ellis and pursuant to S. J. R. 106 the Senate adjourned until 10:00 o'clock Thursday morning.

TWENTY-SEVENTH DAY.

Thursday, August 2nd, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Mr. Pelham of the Senate.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Overton
Brooks	Garth	Johnson	Pelham
Brower	Griffith	Jones (Barbour).	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNell	Waddell
Duncan	Hudgens		

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JOURNAL.

On motion of Mr. Caffey, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE.

On motion of Mr. Inzer, leave of absence was granted Mr. Powell for today.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Randall, the privileges of the floor were granted to Judge Tardy of Jefferson for today.

On motion of Mr. Ellis, the privileges of the floor were granted to Honorable W. B. Oliver, Congressman from the Sixth Alabama District, for today.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Griffith:

S. 331. To provide for the election of three public school trustees for each elementary public school in the State of Alabama. To prescribe their duties and fix their qualifications.

Judiciary.

Also:

~~S. 332. To establish a board of revenue for the county of Winston to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; and to confer on said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioners' court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board and prescribing their terms of office; providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensations of the members of said board; and abolishing the court of county commissioners of said county.~~

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced for the purpose of establishing a board of revenue for the county of Winston to consist of five members, one of whom shall be president thereof in lieu of the commissioner's court of said county; conferring upon said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioner's court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office, and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board, and prescribing their terms of office; providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the court of county commissioners of said county.

The State of Alabama, }
Winston County. }

Before me, the undersigned authority in and for the said county and State, personally appeared G. W. Adkins, who, being by me first duly sworn, deposes and says on oath that he is editor and publisher of the Winston Herald, a newspaper of general circulation published in Winston county, Ala-

bama; that the foregoing and hereto attached notice was published for four consecutive and successive weeks in said paper on, to-wit: June 8th, 15th, 22nd and 29th, July 6th and 13th, 1923.

Geo. W. Adkins.

Sworn to and subscribed before me this 13th day of July, 1923.

H. E. Perry,
Notary Public.

Also:

S. 333. To provide for and further regulate chancery courts in this State.

Judiciary.

By Mr. Craft (with notice and proof):

S. 334. To repeal an Act approved February 27, 1901, entitled "An Act to require the County of Mobile to pay one-fourth of the annual cost of repairing, opening, widening, cleaning and maintaining the streets and draining of the City of Mobile," which Said Act is found reported in the Acts of Legislature of the State of Alabama of 1900-01, on page 1267.

Revision of Laws.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE.

Notice is hereby given that at the present adjourned session of 1923 of the Legislature of Alabama, there will be introduced a bill in substance as follows:

A bill to be entitled an Act to repeal an Act approved February 27, 1901, entitled "An Act to require the County of Mobile to pay one-fourth of the annual cost of repairing, opening, widening, cleaning and maintaining the streets and draining of the City of Mobile," which said Act is found reported in the Acts of the Legislature of the State of Alabama, 1900-01, page 1267.

State of Alabama, }
Mobile County. }

Before me, Jamie McDavid, a Notary Public, in and for said State and County, personally appeared A. M. Wing, who being by me first duly sworn, stated that he is Auditor of The Mobile Register, Inc., publisher of The Mobile Register, a newspaper published in said County, and that the foregoing notice or advertisement hereto attached, and made a part hereof, was inserted and published, without cost to the State in said Mobile Register once a week for four consecutive weeks prior to the date hereof, said notice being published in full in the issues of said paper of the dates of June 9, 16, 23 and 30, 1923.

A. M. Wing, Auditor.

Subscribed and sworn to before me, this the 20th day of July, 1923.

(Seal)

Jamie McDavid,

Notary Public, Mobile County, Alabama.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Verner:

H. 412. To provide for the organization, regulation and government of the State Bar, including admissions and disbarments of lawyers.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Inzer:

S. 328. To amend Act number 679, approved September 30th, 1919, entitled "An Act to secure to persons the right of way over lands of other persons."

By Mr. Inzer:

~~S. 284. To amend Section 1217 of the Code of Alabama, of 1907, relating to appeals from recorder's court.~~

By Mr. Teasley:

S. 131. To amend Section 3531 of the Code of Alabama of 1907 as amended by an Act of the Legislature approved October 5, 1920.

By Mr. Hutson:

S. 272. To amend Section 1074 of the Code of Alabama.

By Mr. Teasley:

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

By Mr. Fanning of Walker (with notice and proof):

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker County, Alabama, and to repeal all laws and parts of laws in conflict herewith.

By Mr. Martin (with amendment):

S. 212. To amend Section 5417 of the Code of Alabama of 1907.

By Mr. Brooks:

S. 178. To amend Section 6918 of the Code of 1907.

Mr. Duncan, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Duncan (with amendment) :

S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

By Mr. Duncan :

S. 244. To repeal Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Mr. Griffith, Chairman of the Standing Committee on Counties and County Boundaries, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit :

By Mr. Glover (with notice and proof) :

H. 354. To provide for the division of Henry County, Alabama, into four commissioners districts, to define the boundary lines of such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of such Districts; to fix their terms of office and prescribe their duties under this Act and as otherwise provided by law; to fix the date for election of such Commissioners; to require such Commissioners, including the present Court of County Commissioners, to furnish bond; and to further define and prescribe the duties and powers of said Court of County Commissioners.

Mr. Brooks, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit :

By Mr. Sanders (with notice and proof) :

H. 398. To provide for an election by the qualified voters of Pike County, Alabama, to determine whether or not Section 6 of an Act entitled an Act "To prevent stock from running at large in Pike county," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year.

By Mr. Fanning of Walker County (with notice and proof) :

H. 405. "For the relief of the County Officers in Walker County, Alabama, and to provide for the filing and allowance of

claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

By Mr. Fanning of Walker County (with notice and proof) :

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the Probate Judge of Walker County, Alabama, for acting as Judge of and doing the work of the Judge of the County Court of Walker County, Alabama.

By Mr. Glover (with notice and proof) :

H. 353. To require the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper ~~published in said county, a statement, following each regular, adjourned or called meeting of said court, showing all disbursements of county funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.~~

By Mr. Dickinson :

H. 50. To abolish the County Court of Autauga County.

By Mr. Goodwyn (with notice and proof) :

~~H. 475. To arrange the boundary between Elmore and Montgomery Counties.~~

By Mr. Craft (with amendment) :

S. 202. To provide for the reimbursement out of the County Treasury or County Depository for the reasonable expenses incurred by members of the Board of County Commissioners, Board of Revenue and Road Commissioners, or by whatever name said Board may be known, for their reasonable traveling expenses within the State of Alabama, when such trip is made for the benefit, or in the interest of the public roads or bridges of their county, and when such trip is taken in pursuance of a resolution adopted by said Board while in session and which is made a part of the minutes of such Board.

By Mr. Hutson (with amendment) :

S. 296. To amend an Act to establish a county court for Morgan county; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the circuit court of Morgan county, Alabama, to the Morgan county court. Approved September 24, 1919.

By Mr. Craft (with notice and proof) :

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and

disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

Mr. McNeil, Chairman of the Standing Committee on Municipalities and Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:
By Mr. Hutson:

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the Superintendents of Banks of Alabama.

Mr. Duncan, Chairman of the Standing Committee on Banking and Insurance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Teasley:

S. 301. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

ADVERSE REPORT.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the Adverse Calendar, to-wit:

By Mr. Jones of Barbour (with notice and proof) :

S. 327. To provide for the abolishment of the Barbour County Court; to provide for the disposition of pending cases; to abolish the office of Solicitor of Barbour County Court; to abolish the office of Judge of the Barbour County Court.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bills respectively, and find same correct enrolled, to-wit:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

C. R. Horton,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

APPOINTMENT OF COMMITTEES.

Pursuant to the provisions of the resolution:

S. J. R. 96. Relative to inviting General John J. Pershing to visit the State Capitol and address a Joint Session of the Legislature of Alabama on the occasion of his visit to Alabama.

The President of the Senate appointed as a Committee on the part of the Senate, Messrs. Carmichael and Hudgens.

Also:

Pursuant to the provisions of the resolution:

S. J. R. 97. Relative to Confederate Cemeteries on Northern battlefields.

The President of the Senate has appointed as a Committee on the part of the Senate, Messrs. Jones of Barbour, Sloane and Harlan.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill respectively, and finds same correctly engrossed, to-wit:

S. 172. To amend an Act approved October 31, 1921, entitled an Act to provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

J. P. Middleton,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 150. To regulate the office of sheriff in counties of 200,000 population or over according to the last federal census or any subsequent federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to provide for the payment of the sheriff and his deputies, guards and jailers; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose compensation is to be fixed by the board of revenue and paid out of the general fund; and providing when and how this act shall become effective.

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing message from the House.

MOTIONS TO TAKE FROM ADVERSE CALENDAR.

Pursuant to notice heretofore given, Mr. Overton moved that the bill:

H. 14. To provide for the election of County Superintendents of Education in each of the several counties of the State of Alabama, by the qualified electors of such county, to prescribe his or her qualifications and duties and to provide for the salary and compensations of such officer and to provide for the election of a County Superintendent of Education by the County Board of Education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

Be taken from the Adverse Calendar, read a second time and placed on the regular calendar for a third reading on tomorrow, which motion was lost, and the Senate refused to take said bill from the Adverse Calendar.

Yeas, 9; nays, 21.

Yeas:

Messrs:

Carlton
Carmichael
Garth

Griffith
Howle

Martin
Overton

Pelham
Slone

—9

Nays:

Nays:

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Duncan

Ellis
Harlan
Hildreth
Horton
Hudgens

Inzer
Johnson
Jones (Barbour)
Middleton
McNeil

Oliver
Randall
Teasley
Tunstall
Waddell

—21

Pursuant to notice heretofore given, Mr. Brower moved that the bill:

S. 176. To alter or rearrange the boundary lines of the city of Birmingham, Alabama.

Be taken from the Adverse Calendar, read a second time and placed on the regular calendar for a third reading, which motion

was lost and the Senate refused to take said bill from the Adverse Calendar.

Yeas, 13; nays, 20.

Yeas:

Messrs:

Adams	Howle	Johnson	Pelham
Brower	Hudgens	Jones (Barbour)	Slope
Craft	Hutson	Martin	Teasley
Horton			

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Nays:

Messrs:

Bonner	Duncan	Harlan	Oliver
Brooks	Ellis	Hildreth	Overton
Caffey	Foster	Inzer	Randall
Carlton	Garth	Jones (Conecuh)	Tunstall
Carmichael	Griffith	McNeil	Waddell

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MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 106. To provide for the election of a county superintendent of education for Franklin County, Alabama; to fix his term of office, to prescribe his salary, and the manner of payment; to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act, and to provide for the election of his successor in office.

With notice and proof thereto attached and herewith exhibited as follows:

Exhibit "A."

LEGAL NOTICE.

Russellville, Ala., December 18th, 1922.

The following local bill will be introduced and passed, if possible, at the next coming session of the Legislature of Alabama.

Travis Williams,
Member House of Representatives from Franklin County.

An Act to provide for the election of a County Superintendent of Education for Franklin County, his term of office, and to provide for the appointment of a County Superintendent of Education of said county to serve from time of the approval of this bill until his successor is elected and qualifies.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the County Superintendent of Education of Franklin County, Alabama shall be elected by the qualified voters of Franklin County, Alabama in the same way and manner as other public officers are elected by the qualified electors of the county.

Sec. 2. That the County Superintendent of Education of Franklin County, Alabama shall be elected at the same time the Tax Collector and Tax Assessor are elected in Franklin County, Alabama, and his term of office shall begin soon thereafter, as he qualifies and shall continue for four years thereafter or until his successor is elected and qualifies. Each four years and at each time when the Tax Assessor and Tax Collector are elected in said county there shall be a County Superintendent of Education elected.

Sec 3. The compensation, powers, duties and scope of service of the County Superintendent of Education of Franklin County shall be as is now provided by law, or as hereafter provided by law.

Sec. 4. That immediately after the passage and approval of this Act, the Governor of Alabama shall appoint a County Superintendent of Education for Franklin County, Alabama who shall serve until his successor is elected and qualified under the provisions of this Act.

Sec. 5. Qualifications of the County Superintendent of Education, the election of which is provided for herein shall be as now fixed by the general law of Alabama or which may hereafter be provided for or fixed by the law of Alabama.

State of Alabama,)
Franklin County.)

Before me, B. H. Sargent, a Notary Public in and for said State and County, came L. L. Jackson, who being duly sworn states and says as follows:

That he is owner and editor of the Franklin Times, a weekly newspaper published in the City of Russellville, County of Franklin and State of Alabama; that the bill attached hereto was duly published in said newspaper on the following dates: December 21, 1922, December 28, 1922, January 4, 1923 and January 11, 1923. A copy of the publication as published in said newspaper and clipped therefrom is pasted to a sheet attached hereto marked Exhibit "A" and made a part of this affidavit.

L. L. Jackson,
Editor and Owner.

Sworn to and subscribed before me on this 19th day of January, 1923.

B. H. Sargent,
Notary Public.

Also:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

A bill will be introduced in the next session of the Legislature of Alabama providing for the election of the Treasurer of Chilton County, Alabama, by vote of the qualified electors of said county.

W. M. Wyatt,
Representative of Chilton County, Alabama.

Clanton, Ala., December 21, 1922.

The State of Alabama, }
 Chilton County. }

Before me, the undersigned authority, personally appeared T. E. Wyatt, who being by me first duly sworn, deposes and says as follows:

1. That he is the Business Manager of The Union-Banner, a weekly newspaper published every Thursday at Clanton, and having a general circulation in said Chilton County, Alabama.

2. That the advertisement giving notice of a local bill for Chilton County to be introduced in the Legislature of Alabama, providing for the election of a Treasurer of Chilton County by the qualified voters of said county, a clipping of which advertisement is hereto attached, was published in said newspaper for four consecutive weeks, of dates, December 21, 1922, December 28, 1922, January 4, 1923, and January 11, 1923.

T. E. Wyatt.

Sworn to and subscribed before me, this the 22nd day of January, 1923.

L. H. Reynolds,
 Judge of Probate.

Also:

H. 305. To repeal an Act to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at its session beginning on or about January 9th, 1923, to repeal an act of the General Assembly of Alabama approved February 9th, 1901, entitled "An Act" To better provide for working the public roads in the Counties of Baldwin, Escambia, and Monroe.

Charles Hall,
 Attorney for Court of County Commissioners, Baldwin County.

State of Alabama, }
 Baldwin County. }

R. B. Vail, being duly sworn, deposes and says that he is the owner of The Baldwin Times, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of Road Act Repeal Notice was published in said newspaper for four consecutive weeks in the following issues: Date of first publication, December 14, 1922, Vol. 33, No. 44; date of second publication, December 21, 1922, Vol. 33, No. 45; date of third publication, December 28, 1922, Vol. 33, No. 46; date of fourth publication, January 4, 1923, Vol. 33, No. 47.

R. B. Vail,
 Owner.

Subscribed and sworn to before the undersigned this 31st day of January, 1923.

(Seal)

Cornelia Hall,
 Notary Public, Baldwin County, Alabama.

Also:

H. 410. To provide for the election of the County Superintendent of Education of and for Conecuh County, Alabama, by the qualified electors of said County, to prescribe the qualifica-

tions and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama which convenes in July, 1923, for the enactment of a law in substance as follows: To provide for the election of the county superintendent ~~of education in and for Conecuh County by the qualified electors of said County; to prescribe the duties and qualifications of such officer and the~~ length of time he shall hold office, and to fix his compensation and how the same shall be paid.

State of Alabama, }
Conecuh County. }

Personally appeared before me, F. J. Dean, a Notary Public in and for the County and State aforesaid, George W. Salter, who being duly sworn by me according to law, deposes and says that he is the editor and publisher ~~of The Evergreen Courier, a newspaper published at Evergreen in Conecuh County, Alabama, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four consecutive weeks, to-wit: in the issues thereof dated as follows: May 16, 1923; May 23 1923; May 30th, 1923; and June 6th, 1923.~~

George W. Salter.

Subscribed and sworn to before me this the 12th day of July, 1923.

F. J. Dean,
Notary Public.

Also:

H. 457. To require the County Board of Education of Henry County, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said county; to provide the time when such publication is to be made; and to provide penalties for the violation of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its coming session in July, to pass a bill which shall be substantially as follows:

A bill to be entitled an Act to require the County Board of Education of Henry County, Alabama, to make and publish an annual statement showing all receipts and disbursements of public school funds coming into their hands; to show the sum or sums or amounts expended for school purposes in each of the school districts of said County; to provide the time when such publication is to be made, and to provide penalties for the violation of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the County Board of Education of Henry County, Alabama, to make annual publication during the month of October of each year, in some newspaper published in said County a statement or report showing receipts and disbursements of all moneys coming into their hands as public school funds, specifying from what source derived, and for what purpose expended, and showing the exact amount expended for school purposes, either for the payment of teachers, the erection or repair of school buildings or otherwise in each school district of said Henry County.

Section 2. That if the said County Board of Education shall fail or refuse to make the said publications as provided for in Section 1 of this Act, each member thereof shall be subject to a penalty of One Hundred Dollars, and each member of said County Board of Education, if present, and voting against said publication, when a motion is offered or an effort made by any member of said Board to carry out the provisions of this Act, each member present and so voting against such publications shall be subject to a penalty of One Hundred Dollars, to be collected in either case, by suit, and it is hereby made the duty of the Circuit or Deputy Solicitor to bring said suit in the name of the County as plaintiff.

Section 3. That the compensation to be paid for said publication shall not exceed the rate now fixed by law, and shall be ordered paid by the County Board of Education out of the school funds of the County.

Section 4. That if any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

The State of Alabama, }
Henry County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared H. H. Golson, who being first duly sworn, deposes and says as follows:

"I, H. H. Golson, editor and proprietor of the Abbeville Herald, a newspaper published weekly in the town of Abbeville, Henry County, Alabama, hereby certify that the attached bill was published in said paper for four consecutive weeks, commencing on, to-wit, the 14th day of June, 1923, and ending on the 5th day of July, 1923.

H. H. Golson."

Sworn to and subscribed before me this July 12th, 1923.

H. W. Owens,
Probate Judge.

Also:

H. 462. To provide for and regulate the assessment, levy and collection of municipal taxes of the City of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be presented to the Legislature of Alabama when it reconvenes in July 1923, for passage by that body:

An Act to provide for and regulate the assessment, levy and collection of municipal taxes of the City of Bessemer, Alabama and to define the duties of the State, County and municipal officers in regards thereto, to fix the tax year for said City and to make the County Tax Collector of Jefferson County ex-officio the collector of property taxes for the City of Bessemer, Alabama.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. The tax year for the City of Bessemer, Alabama, shall ~~commence on the first day of October of each year and end on the 30th day of the next succeeding September and on and after the 1st day of~~ October 1924 municipal taxes shall be due the said City of Bessemer for the tax year in advance on the 1st day of October of each tax year, and shall be delinquent at the time when the State and County taxes for the next preceding tax year are delinquent.

Section 2. The municipal taxes due and payable to the said City of Bessemer during the tax year 1923 shall be collected under and in accordance with the laws existing at the time this act goes into effect, but from on and after the 1st day of October 1924 no municipal taxes of the City of ~~Bessemer shall be due or collectable except under the provisions of this act.~~

Section 3. It shall be the duty of the ~~Council of said City of Bessemer~~ during the month of May 1924 and hereafter during the month of May of each year by resolution or ordinance, to levy a tax on the property situated in the said City of Bessemer for the next succeeding municipal tax year at a rate in no event in excess of the constitutional limit authorized to be levied by said City of Bessemer on the value of such property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending on the 30th day of September next succeeding the levy. The levy so made by the Council of the said City of Bessemer shall go into force and take effect as of the 1st day of October next succeeding the levy and shall not be a lien on the subjects of taxation prior to the 1st day of October next succeeding the levy. After such levy is made it shall be the duty of the Mayor and the Clerk or other clerical officer of the City Council of the said City of Bessemer on or before the 1st day of June next succeeding the levy, to certify and deliver to the tax assessor of Jefferson County, a copy of the resolution or ordinance passed by the said City Council in and by which taxes are levied by the said City of Bessemer for the next succeeding tax year commencing on the first day of the next succeeding October.

Section 4. The tax collector of Jefferson County shall on and after the 1st day of October 1924 ex-officio be the tax collector of the said City of Bessemer and he shall collect all property taxes for the said City of Bessemer at the same time, in the same manner and way under the same laws that State and County taxes are collected.

Section 5. From and after the 1st day of October 1924, the said City of Bessemer, shall subject to the lien of the State and County have a lien from on and after the 1st day of October of each municipal tax year, upon each and every piece of parcel property, real or personal, for the payment of the municipal taxes for that tax year which may be assessed against the owners, or upon such property for the use of the said City of Bessemer, which lien shall have priority over all other liens except for State and County taxes, and this lien shall exist as to all land bid in by the State at tax sales, for the annual tax thereafter assessed on the value of the property so purchased, in the event of the tax title failing.

Section 6. It shall be the duty of the tax assessor of Jefferson County, Alabama, on and after the 1st day of October, 1923, to show on the assessment list made or taken by him under the provisions of Section 2120 of the Code of Alabama 1907, what property, if any, described in the lists, is situated within the said City of Bessemer and the assessor shall ascertain the value of each item, or subject of taxation, situated in the said City of Bessemer, separately from the value of each item not within said City in such a way as to make of easy ascertainment the assessed value of property within the said City of Bessemer, Alabama.

Section 7. It shall be the duty of the State Auditor in preparing the form of assessment required under the provisions of Section 2349 of the Code of Alabama 1907, to make the provisions for the assessor to indicate in the assessment list what property assessed, if any, is situated within the said City of Bessemer, and in the abstract of duties placed on such form, the auditor may place instructions to the assessor such as will advise him of his duty in making assessments of property subject to municipal taxation.

Section 8. After the 1st day of October 1923 the book required to be made by the County tax assessor under the provisions of Section 2122 of the Code of Alabama 1907, shall also show the property subject to municipal taxation by the said City of Bessemer, and shall be so ruled that the amount of the said City of Bessemer taxes charged to each tax-payer or against property, in favor of said City of Bessemer for the next succeeding municipal tax year on the assessed value of the then current State tax year, can be entered and extended and footed up, and the footings carried from page to page, and the total amounts thereof, and footed up so as to show the amount of taxes in favor of the said City of Bessemer.

Section 9. After the municipal taxes shall have been levied by the Council of the said City of Bessemer and certified to the tax assessor of Jefferson County for the next succeeding tax year beginning on the 1st day of the next succeeding October, the assessor must compute the amount thereof, at the rate levied by the City Council of the said City of Bessemer as shown by the certified copy furnished the assessor, of the resolution or ordinance passed by the said City Council of the said City of Bessemer, which will be owing by each tax payer to the said City of Bessemer on the assessed value of the property for the then current State tax year, and enter the same in the books of assessment required to be made by the assessor under the provisions of Section 2122 of the Code of Alabama 1907, opposite the name of such tax payer, and foot up the same, the footings to be carried from page to page, and the total amount thereof footed up, such books shall appropriately show that the assessed value as extended by the assessor is for the municipal taxes for the next succeeding municipal tax year, based on the assessed value for State taxation for the then current tax year.

Section 10. The presiding officer of the Court of County Commissioners or other Court of like jurisdiction, in making the certificate required to be made by the provisions of Section 2156 of the Code of Alabama of 1907, shall embrace in such certificate the amount of municipal taxes which will be owing to the said City of Bessemer for the next succeeding municipal tax year, which certificate, after certifying the amount of State, County and special tax, shall continue in substance as follows: "The amount of municipal taxes for the City of Bessemer for the next succeeding municipal tax year is \$....., the total amount and such certificate shall be a warrant to the tax collector of Jefferson County to proceed to collect such municipal taxes in the manner directed by law when due."

Section 11. Upon collection of taxes by the tax collector, he shall embrace in his receipt required to be given under the provisions of Section

2174 of the Code of Alabama of 1907, a statement of the amount of City taxes, if any, paid on real estate, and City taxes, if any, paid on personal property, and if any interest has accrued stating the amount thereof paid, such receipt shall also show the tax year for which the City tax is paid and City for which the tax is paid, and such receipt shall be prima facie evidence that such tax payer has paid his City taxes for the year stated on the real and personal property and other subjects of taxation.

Section 12. The tax collector, in making his monthly reports as required to be made under the provisions of Section 2200 of the Code of Alabama of 1907, shall embrace in each of such reports a statement setting forth the taxes collected by him for the said City of Bessemer during the ~~preceding month, and up to the date of such report, subsequent to his preceding report, and a copy of each report shall be by the collector forwarded~~ to the Mayor of the said City of Bessemer; within five days after making such report the collector must pay to the treasurer of said City of Bessemer or the person designated by the Council of the said City monthly at the same time he is required to make payment of taxes collected for the State and County, all City taxes then due from him to the said City of Bessemer by him before that time collected. The Treasurer of the said City of Bessemer, or person designated for receiving the money for the City shall give the County tax collector a receipt in duplicate for the amount received, one of which duplicates shall be promptly forwarded to the state auditor by the tax collector.

Section 13. The County tax collector must, on or before the 1st day of July of each year, make a final settlement under oath with the Treasurer or other person designated by the Council of the said City of Bessemer, and then pay over to the Treasurer of the said City of Bessemer, or other person designated, the balance of the City taxes due from him as such tax collector and not paid over prior to the date according to the tax books in the office of the judge of probate of Jefferson County, Alabama.

Section 14. The County tax collector shall not be required to make or keep a separate account of any special taxes collected for said City but shall keep such account only in gross of the total tax levied by the City. If any part of the tax collected by the said City is set apart by the laws of any special purpose, the Treasurer or person acting as such of said City, shall as the law may direct keep a separate account and distinct fund as required by law arrived at and set apart by the treasurer from the amount paid into the treasury by the tax collector in proportion as such special tax levied bears to the total taxes levied by the City, and the special taxes received by the city treasurer shall be disbursed by him as required by law.

Section 15. The County tax collector must, in his report of list of insolvents, and list of errors of assessments to Court of County Commissioners or other court of like jurisdiction required to be made under the provisions of Section 2184 of the Code of Alabama of 1907, embrace in said report the amount of city taxes assessed against each tax payer, in favor of the said City of Bessemer, the same as he is required to report the amount of State and County taxes assessed against each tax payer.

Section 16. The court of county commissioners, or other court of like jurisdiction shall, in discharging the duties imposed upon the court by the provisions of Section 2185 of the Code of Alabama of 1907, credit the tax collector with city taxes contained in such list and with taxes in litigation in the same manner and way and under the same conditions that credits are required to be given in favor of the collector of county taxes shown in the list.

Section 17. Upon the allowance and credit to the county tax collector of insolvent taxes and taxes in litigation, the court of county commissioners or other court of like jurisdiction, shall in behalf of said City of Bessemer,

state a new account against the tax collector for the amount of insolvent city taxes and city taxes in litigation in the same manner and way as is provided in regard to insolvent county taxes and county taxes in litigation by Section 2187 of the Code of Alabama 1907, and the collector shall remain charged with such sum until the liability is discharged under the provision of the law.

Section 18. The presiding officer of the court of county commissioners, or other court of like jurisdiction shall embrace in the list of insolvent taxes allowed, which he is required to furnish to the collector under the provisions of Section 2188 of the Code of Alabama of 1907, and as a part of such list, the name of each insolvent tax payer of such city taxes, and the amount of such city taxes, and cost, if any, due from the insolvent to the said City of Bessemer.

Section 19. It shall be the duty of the county tax collector to collect insolvent city taxes and make monthly reports, payment and settlement thereof with the city treasurer of each city in the same manner and way and at the same time that he is required to do in regard to State and County taxes under the provisions of Section 2189 of the Code of Alabama of 1907.

Section 20. At the same time the county tax collector makes final report of the uncollected balance of insolvent taxes, as required by the provisions of Section 2190 of the Code of Alabama of 1907, to the court of county commissioners or court of like jurisdiction, he shall embrace in and as a part of said report the uncollected balance of insolvent city taxes and taxes in litigation the same and in the same manner and way as he is required to make of State and County taxes, including the taxes still in litigation in the same manner and way as the court is authorized to allow credits for insolvent county taxes and taxes in litigation under the provisions of Section 2190 of the Code of Alabama of 1907.

Section 21. The county tax collector shall embrace in the docket of lands made by him under the requirements and provisions of Section 2269 of the Code of Alabama of 1907, the amounts due said City of Bessemer both from known and unknown owners in the county, if any, in the same manner and way as he is required to do in regard to State and County taxes giving the name of the city to whom due, and stating the municipal tax year for which the taxes are due, and in such manner and way as to show respectively the amounts of taxes due the State, the amounts due the County and the amount due the said City of Bessemer chargeable against the respective properties.

Section 22. The decree for tax sales rendered by the Probate Judge under the provisions of Section 2278 of the Code of Alabama of 1907, shall embrace taxes due to the said City of Bessemer showing the aggregate amount due to the State, County and City, and showing what amount is for the State, what amount is for the County and what amount is for the City and the tax year of the City for which the same is due it, in the form as set forth in said Section 2278 of the Code of Alabama of 1907.

Section 23. The county tax collector shall embrace in his certificate to a purchaser under provisions of Section 2285 of the Code of Alabama of 1907, the amount of taxes due on the property described in the certificate to the said City of Bessemer in the same manner and way as he is required to set forth in said certificate the amount due the State and County.

Section 24. In case of an appeal by the State from decree of tax sale under the provisions of Section 2291 of the Code of Alabama of 1907, the appeal by the State shall be in behalf of the said City of Bessemer and all proceedings shall, under and in accordance with the provisions of Section 2291, be in behalf of the said City of Bessemer, the same as it is in behalf of the county.

Section 25. The Judge of Probate in the county, in executing a tax deed to a purchaser, under the provisions of Section 2296 of the Code of

Alabama of 1907, shall by the deed convey to and vest in the grantee the lien and claim of the said City of Bessemer, as well as in the lien and claim of the State and County.

Section 26. From and after the 1st day of October 1912, the county tax assessor shall calculate and enter city taxes owing to the said City of Bessemer on the descriptive lists coming to him under and in accordance with the provisions of Section 2299 of the Code of Alabama of 1907, in the same manner and way that he is required to do as to State and County taxes, and all provisions, proceedings and requirements as to State and County taxes under said Section shall be applicable to such city taxes.

Section 27. An invalid tax sale shall pass to the purchaser the lien of the city in and to the land sold, both as to taxes paid, by said sale and as to the taxes subsequently paid by the purchaser to the same extent and in the same way that the lien of the State and County is passed to the purchaser under and in accordance with the provisions of Section 2300 of the Code of Alabama of 1907.

Section 28. The Judge of Probate at the time he is required to remit to the State treasurer and to the County treasurer redemption money under the provisions of Section 2320 of the Code of Alabama of 1907, should also pay to the city treasurer, or person designated by the municipal council or governing body of the city as treasurer, the proportion of redemption money, if any, belonging to the city, and all of the provisions of Section 2320 shall be applicable to said city and city taxes in the same manner and way as to the State and County taxes.

Section 29. That the State auditor shall enter in the books caused to be prepared by him under the provisions and requirements of Section 2320 of the Code of Alabama of 1907, the amount of city taxes due on the property described in the books in the same manner and way as he is required to enter the amount of State and County taxes due thereon, and in making sale of said property under provisions of Section 2323 of the Code of Alabama of 1907, the amount at which the property is sold shall not be less than the whole amount of taxes, including such city taxes, interest, costs and officers' fees as provided for and required to be paid in the case of the redemption of such land.

Section 30. When lands bid in by the State have been sold by the State, the State auditor shall draw his warrant on the State treasurer in favor of the said City of Bessemer for the amount, if any, that the said city is entitled to, and forward the same to the said City of Bessemer.

Section 31. When land, which has been bid in by the State at tax sale has been sold by the State and the State refunds the taxes on account of an invalid sale under and in accordance with the provisions of Section 2329 of the Code of Alabama of 1907, the State auditor must ascertain the amount of such purchase money which has been paid to the said city, if any, which amount it shall be his duty to certify to the Mayor or other governing head of the said city and it shall be the duty of the Mayor or other governing head of the municipality to present such claims at the next succeeding meeting of the council or governing body of the said city and thereupon such council or body shall order a warrant in favor of the State for such amount as the State is entitled to from the city and the city treasurer or acting treasurer shall forthwith forward the amount to the State treasurer and report it to the State auditor.

Section 32. Whenever the Judge of Probate cancels a tax sale as to a private purchaser under and in accordance with the provisions of Section 2331 of the Code of Alabama of 1907, he must give to such purchaser a certificate to the Mayor or other governing head of the city, showing the amount of city taxes received by the city from such tax sale in the same manner and way as he is required by said Section 2331 of the Code of Ala-

bama of 1907, to give certificates showing the amount the State and County have received, and thereupon when said certificate is presented to the Mayor or other governing head of the city, it shall be the duty of the Mayor or other governing head to present such certificate at the next meeting of the council or governing body of the city, and the amount so paid to the municipality must be allowed by such council or governing body, and an order made directing the treasurer or acting treasurer to pay the same.

Section 33. Any person, or his agent, or the heir or personal representative of such person, who owns property subject to taxation in said city and who, through a mistake or error, in the assessment or collection of taxes, has paid to the city through the county tax collector money that was not due from him for taxes, may file a petition with the council or governing body of said city, asking that a warrant be drawn in his favor refunding to him the money paid and received by the municipality. The council or governing body of said city shall examine into the facts and evidence offered by the petitioner in support of the allegations of his petition and if proper and full proof of the same be made, the council or governing body of said city must allow said claim to the amount of city taxes received, and must order the treasurer or acting treasurer of the city to pay the same.

Section 34. All laws now in force or hereafter enacted in regard to the collection of State and County taxes and procedure, with reference thereto and the enforcement of collection shall apply to and be in force as to such city taxes, except as such laws are changed by or in conflict with the provisions of this act and the county tax collector shall collect or enforce the collection of such city taxes at the same time, in the same manner and way, and as a part of one and the same collection as the collection of State and County taxes and all procedure incident to or in any wise connected with the collection of State and County taxes, shall be equally applicable to the collection of said city taxes and all said city taxes shall be collected in the same way and in the same proceedings as State and County taxes.

Section 35. The official bond of the judge of probate and of the county tax assessors and of the county tax collectors shall be and shall be held to be, for the protection of the said City of Bessemer, for the faithful discharge of the duties of such officers to the said City of Bessemer in the same manner and way as it is for the protection of the State of Alabama and Jefferson County.

Section 36. The tax assessor of Jefferson County shall be entitled to receive from the tax collector out of the first money collected for the said City of Bessemer, giving him duplicate receipt therefor, one of which receipts shall be forwarded to the State auditor by the tax collector the following commissions on the taxes collected, to-wit: Four-tenths of one per cent on all taxes collected for the said City of Bessemer for the city tax year ending September 30, 1924 and September 30, 1925 and thereafter three-tenths of one per cent.

Section 37. The tax collector of said city shall be entitled to receive commissions on taxes collected by him for the City of Bessemer as follows, to-wit: For the city tax year ending September 30, 1924 three-tenths of one per cent and thereafter two-tenths of one per cent of the taxes collected for the said City of Bessemer.

Section 38. The Judge of Probate of Jefferson County shall be entitled to commission at the rate of two and one-half per cent on money received by him for the said City of Bessemer on redemption from tax sales which he may deduct therefrom when he pays money collected to the said City of Bessemer the said Judge of Probate of Jefferson County shall be entitled to a fair and reasonable compensation and in no event to exceed One Hundred Dollars (\$100.00) in any one year from the said City of Besse-

mer, for the additional services required of him in furnishing and preparing abstract books conforming to the requirements of this act required to be made and furnished under Section 2158 of the Code of Alabama of 1907. The court of county commissioners or court of other like jurisdiction shall allow the judge of probate of the county the amount he is entitled to receive under this Section for such additional services in regard to such abstract book and of the amount allowed shall fix the amount to be paid by the City of Bessemer and the certificate of the court of county commissioners or other court of like jurisdiction by the chairman or other court to the county tax collector shall be a warrant on the tax collector, and on such warrant, the tax collector shall pay to the Judge of Probate from the funds collected by him from the said City of Bessemer the amount to which the Judge of Probate is entitled from said City of Bessemer as shown by such warrant.

R. P. McIyeire.

State of Alabama, }
Jefferson County. }

Personally appeared before me the undersigned authority in and for said County in said State, Howe Price who being by me first duly sworn, says on oath that he is the publisher of the Bessemer Advertiser, a newspaper of general circulation published in the City of Bessemer, Jefferson County, Alabama and that the attached notice and act or bill was published in the said Bessemer Advertiser once a week for five consecutive weeks, having appeared in the issues of June 14th, 1923, June 21st, 1923, June 28th, 1923, July 5th, 1923, and July 12th, 1923.

Howe Price.

Sworn to and subscribed before me this the 12th day of July, 1923.
(Seal)

G. H. Bumgardner,
Notary Public.

Also:

H. 488. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

With notice and proof thereto attached and herewith exhibited as follows:

BILL FOR INFERIOR COURT.

Notice is hereby given that at the next session of the Legislature of Alabama in July, 1923, a bill to establish an inferior court in Precinct 36, Selma, Dallas County, Alabama, will be presented for passage. Said bill is in substance as follows:

A bill to be entitled an act to establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, notaries public with powers of justice of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge, and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace court in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established an inferior court in Precinct Number 36 in Dallas County, Alabama, which shall be known and designated as "The Court of Common Pleas of Selma," and which shall be in lieu of all justices of the peace and notaries public with power of justice of the peace, in said precinct. It shall have the jurisdiction now held by justices of the peace or that may hereafter be conferred by law on justices of the peace, or on said court, and the judge of said court shall have and exercise all the power and authority and perform all the duties now prescribed by law, for justices of the peace in said precinct. Said judge shall have the same rights and privileges and the same disabilities and penalties as now apply by law to justices of the peace.

Section 2. Be it further enacted, that there shall be a judge of said court, said judge shall at the time of his election or appointment be a resident of Dallas County, Alabama, be at least twenty-one years of age and shall within the State of Alabama have been admitted to the practice of law. The first judge of said court shall be appointed by the Governor of Alabama and such appointee shall hold his office until the regular election for State and County officers in the year 1924 and until his successor is elected and qualified. The said judge of said court shall hold office for a term of four years, and until his successor is elected and qualified.

Section 3. Be it further enacted, that at the regular election for state and county officers in the year 1924 and each four years thereafter, there shall be elected a judge of said court by the qualified electors of said precinct 36. All vacancies in the office of said judge of said court shall be filled by appointment by the governor, and such appointee so appointed shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. Be it further enacted, that such office shall be considered a county office within the meaning of election and other laws of Alabama.

Section 5. Be it further enacted, that the judge of said court shall receive a salary of eighteen hundred dollars per annum, payable monthly out of the inferior court fund upon warrant drawn upon the county depository by the probate judge of Dallas County, Alabama. In the event

there is not sufficient money in said fund to pay the salary of the judge within any particular month, the said judge shall be entitled to draw out of said fund in any month that sufficient funds are in said inferior court funds any back salary that may be due, provided, however, that no salary shall be paid any judge after his term of office has expired, unless there be a sufficient amount of money in said inferior court fund at the time of the expiration of his office. No money shall be paid out of said fund except for salary of said judge and expenses of said court.

Section 6. Be it further enacted, that the judge of said court shall give bond in the penal sum of two thousand dollars payable to the county of Dallas, and conditioned to faithfully discharge the duties of his office, which said bond shall be approved by and filed in the office of the probate judge of said county, and also conditioned to pay over all money to the ~~proper officer or persons to whom it is payable, and to faithfully account~~ for all money coming into his hands by virtue of his office.

Section 7. The sheriff, coroner or special and deputy county solicitor shall perform the same duties in relation to the said court of common pleas as now devolve on them by law in relation to the circuit court of Dallas County, Alabama.

Section 8. It shall be the duty of the judge of said court to keep a docket of all the cases brought before this court such as is now required by law to be kept by all justices of the peace. The judge shall have authority to issue all necessary summons upon complaint being filed in said ~~court and all other process which justices of the peace are required or em-~~ powered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said court. It shall be the duty of said judge to tax and collect in each case the same costs and fees for the services of judge, sheriff and witnesses as are provided under the laws of Alabama for justices of the peace and sheriffs. The sheriff's fees collected by said court shall be paid to the sheriff on the first Monday of each month. Any money paid to said judge on judgments rendered in said court shall be paid to the plaintiff or his attorney on demand. All the costs and fees allowed the judge of said court and all the witness fees and all fines and forfeitures assessed in said court shall be collected by the said judge and all the fees allowed the judge and all fines and forfeitures collected by said judge shall be paid by said judge on the first Monday of each month into a special fund of the county treasury to be known as the inferior court fund which is hereby created and which the custodian of county funds shall keep separate and apart from all other funds of said county provided that the witness fees assessed and collected by the judge shall be retained by him and paid over to the witness entitled to the same. Any witness fees in hands of said judge uncalled for within one month after receipt by him shall be paid by him into said inferior court fund.

Section 9. The witnesses in all cases in said court shall be entitled to the same fees, to be collected in the same manner by the judge of said court and paid over to him by the witnesses entitled to the same as provided in like cases before justices of the peace by the laws of the State of Alabama.

Section 10. The fees allowed constables and sheriffs in said precinct for service in justice of the peace courts shall be taxed and collected as now provided by law in each case, and paid over by said judge to the sheriff of Dallas County, Alabama, as hereinbefore provided.

Section 11. All processes of whatever kind or nature issued out of said court shall be addressed to any lawful officer of Dallas County, and shall be executed by the sheriff of Dallas County, Alabama, or one of his deputies.

Section 12. From any judgment of said court the defendants in criminal cases or the plaintiffs or defendants in civil cases shall have the right

of appeal to the circuit court of Dallas county under the same regulations and requirements as now govern appeals from the courts of justices of the peace in the State of Alabama, and the bond furnished or required in such cases shall be governed by the same laws as now regulate appeals from the courts of justice of the peace in the State of Alabama.

Section 13. The forms to be used in said court shall be the same as prescribed by the Code of Alabama of 1907 for justices of the peace, but they shall not be the exclusive forms used, and any forms sufficient at common law or under the statute, or any forms provided in said code for similar or analagous proceedings in said court. All dockets, printed forms, and other stationery required by the said court shall be furnished and paid for by the County of Dallas out of the said inferior court fund on warrant drawn by the probate judge of Dallas County, Alabama.

Section 14. Each month after the payment of the salary of the judge of said court, and other expenses of said court, the probate judge of Dallas County, Alabama, shall issue a warrant to the sheriff of Dallas County, Alabama, for any fees due him in criminal cases where the costs have not been paid and the defendant has performed hard labor for Dallas County; provided that said warrant shall not be for more money than is left in said inferior court fund and in no event shall be for more than fifty dollars in any one month.

Section 15. The judge of said court shall be permitted to practice law in all courts provided, however, that said judge shall not practice in the said court of common pleas of Selma and shall not practice in any case originating in or passing through the said court of common pleas of Selma.

Section 16. All laws effecting or regulating the practice in courts of justice of the peace of Dallas County shall be applicable to the court hereby established, and all certificates of judgment of said court may be recorded as now provided for certificates of judgment of justices of peace. Said judgments shall be a lien when recorded as now provided for justice of the peace judgments in Dallas County, Alabama.

Section 17. It shall be the duty of the court of county commissioners of Dallas County to provide a proper place for holding said court and to provide for the comforts and necessary blanks, stationery, dockets and books which shall be paid for out of said inferior court fund on warrant drawn by the probate judge of Dallas County, Alabama.

Section 18. Be it further enacted that thirty days after the approval of this act the terms of office of all justices of the peace in said precinct 36 shall expire and said office of justice of the peace in said precinct shall be abolished, and the dockets, official papers and records of all kinds of their respective offices shall be delivered to the judge of the court of common pleas of Selma by said justices and all causes pending in said justice courts shall be by such delivery transferred to the said court of common pleas, and executions and other process for the collections of judgments of said justice courts may be issued from said court of common pleas including executions for costs, and upon the collection of costs in any case accrued before said transfer the judge of said court of common pleas shall pay said costs to the justice of the peace or constable entitled thereto and shall take a receipt therefor, which shall be entered on the docket of said cause.

Section 19. Be it further enacted that at the expiration of thirty days after the approval of this act the terms of office of all justices of the peace and notaries public with powers of justice within the said above described territory shall expire, and said office of justice of the peace be abolished in the said precinct, and there shall hereafter be no justices of the peace elected or appointed for the said precinct and no notaries public with powers of justice of the peace and the said court of common

pleas created by this act shall be in lieu of all the justices of the peace or notaries public with powers of justice of the peace in the said precinct.

Section 20. In the event that the Judge of said court is for any reason disqualified from acting or in the event of the Dallas County, Alabama, shall appoint an acting judge to try such cases as the judge of said court may be disqualified to try and in the event of the absence from the city of said Probate Judge, the Judge of the Circuit Court of Dallas County, Alabama shall appoint said acting judge.

Section 21. If any section or provision of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision therein which is not in and of itself void or unconstitutional.

Section 22. All laws and parts of laws general, local, or special, contrary to the provisions of this act are hereby repealed.

The State of Alabama, }
The County of Dallas. }

Before me, M. E. Frohlich, a Notary Public in and for said County and State, this day personally came F. T. Raiford, known to me to be the editor and publisher of The Selma Times Journal, a daily newspaper published in Selma, Dallas County, Alabama, who being by me first duly sworn deposes and says that he is the editor and publisher of the Selma Times Journal, a daily newspaper published in Selma, Dallas County, Alabama; that the attached notice to establish an inferior court in precinct 26 in Dallas County, Alabama in lieu of all justices of the peace and notaries public with power of justice of the peace was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

F. T. Raiford.

Sworn to and subscribed before me this 18th day of July, 1923.
(Seal)

M. E. Frohlich,

Notary Public, Dallas County, Alabama.

Also:

H. 504. To alter and fix the boundaries of the City of Selma, a municipal corporation in Dallas County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced in the Legislature of Alabama during the present term of the same for the purpose of having same passed and become a law.

A bill to be entitled "An Act to alter and fix the boundaries of the City of Selma, a municipal corporation in Dallas County, Alabama."

Section 1. Be it enacted by the Legislature of Alabama as follows: That the boundaries of the City of Selma, a municipal corporation in Dallas county, Alabama, be and the same are hereby altered and fixed so as to include within the corporate limits thereof all that territory lying within the County of Dallas, in said state, described and bounded as follows, to-wit:

Beginning at a point where the east bank of the Valley Creek intersects the north bank of the Alabama river at low water mark; thence northerly along the east bank of Valley Creek with the meanderings thereof to a point on said creek where the same would intersect the northern margin of First avenue, if extended to the east bank of said creek; thence east along the said northern margin of First avenue to the corner formed by

the intersection of the east side of the Selma and Summerfield public road, with the north margin of First avenue; thence north along the east margin of said Selma and Summerfield public road to a point two hundred feet north of the north margin of a street or road known as Seventh avenue; thence in an easterly direction parallel to Seventh avenue to the east margin of Broad street; then north to a point two hundred feet north of the point where the east margin of said Broad street intersects the north margin of Highland avenue; as shown by a map of Highland Park Land Company of record in the Probate Office of Dallas county, Alabama; thence due east to the west margin of the Range Line road; thence south along the west margin of the Range Line road to the point where the south margin of Second avenue, if extended, would intersect the said west margin of the Range Line road; thence east along said south margin of Second avenue to the west margin of Mechanic street; thence south along the west margin of Mechanic street to the south margin of Minter avenue; thence east to the west margin of Race street, the line between sections twenty-nine and thirty, township seventeen, range eleven, being in said street; thence south to the northerly bank of Beech creek; thence along the northerly bank of said creek with the meanderings thereof to the northerly bank of the Alabama river; thence south to the south bank of the Alabama river; thence westerly along the south bank of the Alabama river to a point due south of the intersection of the east margin of Valley creek with the Alabama river at low water mark; thence due north to the point of beginning.

Section 2. Be it further enacted, That the boundaries set out in section one of this act be and the same are hereby established as the corporate limits of the City of Selma, a municipal corporation in Dallas County, Alabama.

Section 3. Be it further enacted, That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

State of Alabama, }
County of Dallas. }

Before me, E. H. Hobbs, a Notary Public in and for said State and County, personally came F. T. Raiford, who being by me first duly sworn to speak the truth, deposes and says that he is Editor and Publisher of the Selma Times Journal, a newspaper published daily at Selma, Dallas County, Alabama, that the hereto attached copy of the bill to be entitled, "An Act to alter and fix the boundaries of the City of Selma, a Municipal Corporation, in Dallas County, Alabama," was published in the said Selma Times Journal, at Selma, Dallas County, Alabama, on the following dates, to-wit: January 16th, 1923; January 23rd, 1923; January 30th, 1923, and February 3rd, 1923.

Witness my hand this 18th day of July, 1923.

F. T. Raiford.

Sworn to and subscribed before me this 18th day of July, 1923.

E. H. Hobbs,

Notary Public, Dallas County, Alabama.

Also:

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Im-

provement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the present (1923) session, to pass an act, the substance of which is as follows:

An act to vacate that part of the Huntsville road from the point of intersection with Eighteenth avenue to the point of intersection with Nineteenth street and all streets, avenues, alleys, roads and ways over or across that certain tract of land of Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville road, Eighteenth avenue and Nineteenth street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville road and the said streets, avenues, alleys, roads and ways so vacated.

KNOX, ACKER, STERNE & LILES,
Anniston, Ala.

State of Alabama, }
Jefferson County. }

Before me, Susan E. Wright, a Notary Public in and for said County in said State, personally appeared J. Walter Webb, who, being duly sworn, doth depose and say that he is Advertising Director of the Age-Herald Company, the publishers of the Age-Herald; that the said Age-Herald is a daily newspaper published in said County of Jefferson, and State of Alabama; that the foregoing notice has been duly published in said Age-Herald once a week for four consecutive weeks before the making of this affidavit.

J. Walter Webb.

Sworn to and subscribed before me, this 23rd day of July, 1923.

Susan E. Wright,
Notary Public, Jefferson County, Alabama.

Also:

H. 49. To further provide for and regulate the payments of pensions to Confederate soldiers and sailors and their widows, and to make necessary appropriation therefor.

Also:

H. 368. To amend Section 5 of an Act entitled "An Act to further prescribe the duties of County Treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers and for the compensation of such treasurer, assistants, and attorneys; and to require the deposit of county funds," approved October 21, 1921.

Also:

H. 509. To repeal an Act entitled an Act "to provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners for road purposes," approved March 17, 1915.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees as follows:

H. Nos. 106, 152, 305, 410, 457, 462, 488, 504, and 542.—To the Committee on Local Legislation.

H. Nos. 368 and 509. To the Committee on Revision of Laws.

H. 49. To the Committee on Finance and Taxation.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Garth, the further consideration of the bill:

S. 250. To regulate contracts between employer and employee, and to impose a penalty for the violation thereof.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the report of the Joint Committee of the two Houses appointed under Senate Joint Resolution No. 86, relative to the clerical assistants of the two Houses, which said report is as follows:

"To the Senate and House of Representatives:

Your Joint Committee appointed under Senate Joint Resolution No. 86, heretofore adopted, beg leave to report as follows:

We have made a careful examination and investigation as to the number of assistants employed by the clerical force of the House and Senate and beg leave to report and recommend that from and after the adoption of this report the number of employees to be employed in the various departments be limited as follows, to-wit:

1. The Secretary of the Senate is hereby authorized and empowered to employ twenty (20) assistants;

2. The Engrossing Clerk of the Senate is hereby authorized and empowered to employ (6) assistants;

3. The Enrolling Clerk of the Senate is hereby authorized and empowered to employ six (6) assistants;

4. The Clerk of the House is hereby authorized and empowered to employ eighteen (18) assistants;

5. The Engrossing Clerk of the House is hereby authorized and empowered to employ twenty (20) assistants;

6. The Enrolling Clerk of the House is hereby authorized and empowered to employ twenty-two (22) assistants.

That the clerical employees appointed under this report to serve in the Senate shall be subject to the approval of the President of the Senate and the clerical employees appointed hereunder to serve in the House shall be subject to the approval of the Speaker of the House.

J. Lee Long, Chairman,

F. E. St. John,

A. M. Tunstall,

Committee on part of the House.

B. deG. Waddell,

W. C. Tunstall,

Committee on part of the Senate.

And sends same herewith to the Senate for its consideration.

J. H. Stewart,

Clerk.

HOUSE MESSAGE.

On motion of Mr. Inzer, the Senate concurred in and adopted the report of the Joint Committee of the two Houses appointed under S. J. R. 86 relative to the clerical assistance of the two Houses, which report is set out at length in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Ashcraft of Lauderdale:

H. J. R. 89. Whereas the hours for service in the Capitol have been stated as running from 8:30 A. M. to 5 P. M., and

Whereas the members of the Legislature are here for the purpose of transacting the business of the State with all possible speed, and

Whereas the Legislature have called to their assistance clerks, Therefore, be it resolved by the House, the Senate concurring, that if any clerk absents himself or herself from the Capitol during the above-stated hours without leave of the Chairman of the Committee which he or she serves or other official in charge of the work of said clerk, his or her name shall be immediately

dropped from the roll, and the Speaker of the House or the President of the Senate notified in order that the place of said clerk may be filled by some competent person, and no further pay shall be allowed such discharged clerk.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Foster the Senate concurred in and adopted H. J. R. 89 set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Walton:

H. J. R. 92. Whereas, no memorial has been erected in the memory of those who gave their life for their country's cause during the World War, and

Whereas, many of those who made the supreme sacrifice were alumni of Alabama's two greatest State educational institutions, the University of Alabama and the Alabama Polytechnic Institute,

Now therefore, for the purpose of raising funds to erect a stadium as a memorial to these heroes on the campus of the Alabama Polytechnic Institute and on the campus of the University of Alabama;

Be it resolved, that the President of the University of Alabama and that the President of the Alabama Polytechnic Institute be requested to arrange a post season foot ball game between the teams of the two institutions and that the funds derived from such game be divided equally between said institutions for the purpose of creating a fund to be devoted to the erection of such memorial stadium;

Be it further resolved, that the Presidents of said Institutions be requested to report to the Governor of Alabama within two weeks after the passage of this resolution whether or not they will consent to the arrangements proposed by this resolution.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Ellis, H. J. R. 92, set out in the foregoing message from the House was, under a suspension of rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

H. J. R. 90. Whereas a joint resolution has been passed requesting a statue of General Joseph Wheeler to be placed in the Hall of Fame in the Capitol at Washington.

Therefore be it resolved by the House, the Senate concurring, that a committee of three, consisting of one member from the Senate and two from the House, be appointed to represent the Legislature in matters arising concerning the preparation and placing of the statue, and that the Governor of Alabama be requested to act as Chairman of said Committee.

And send same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 90, set out in the foregoing message from the House, was read once and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR.

To the Legislature of Alabama:

There is scarcely any subject more momentous and of greater interest to our state and in fact, our nation, than the damage being wrought annually on our nation's commerce by the boll weevil.

The Louisiana Bankers' Association, in connection with Governor John M. Parker of that State, and Mayor Andrew McShane of New Orleans, upon the recommendation of United States Senator Joseph E. Ransdell of Louisiana, has issued a call for a nation-wide convention of the press, bankers, transportation, mercantile, manufacturing and agricultural interests to assemble in convention in New Orleans on September 19th and 20th, 1923, for the purpose of devising ways and means of combating the boll weevil menace to our nation.

Cotton in normal times, was the one item of commerce which turned the balance of the world's trade in favor of the United States of America and I commend and suggest your active support and co-operation in this timely and commendable movement.

Respectfully,
Wm. W. Brandon, Governor.

August 1, 1923.

GOVERNOR'S MESSAGE.

The foregoing message from His Excellency, the Governor, was read at length and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Long:

H. J. R. 82. Whereas the contracts used by the New York and the New Orleans Cotton Exchanges, in Cotton Futures transactions, is a Seller's Option contract, giving all the optional advantages both as to time and grade of delivery, to the sellers, whose interest it is to depress the price of cotton;

And whereas such seller's option contracts by making uncertain the grades of cotton tenderable under them injects a gambling hazard into the transactions of said Exchanges, and makes easier the manipulation of the price of cotton;

And whereas such seller's option contracts place every disadvantage and hazard of the option upon the buyers, whose interest it is to raise the price of cotton;

And whereas if such transactions are to be permitted to continue it is manifestly but just to all, and especially to cotton producers that these discriminations, uncertainties, and gambling hazards be eliminated from such contracts;

And whereas, the principles incorporated in what is commonly known as "the Dial Amendment" to the Cotton Futures Act would in part remove from these contracts the discrimination in favor of sellers and would in part remove the hazard upon buyers and would in part remove the uncertainty and gambling element in such transactions and make less easy the manipulation of the price of cotton in said exchanges;

Therefore, be it resolved by the House, the Senate concurring, that the Legislature of Alabama endorses the principles incorporated in the said Dial Amendment to the Cotton Futures Act, and urges the Senators and Representatives of Alabama in the Congress of the United States to use every honorable effort to enact said principles into the law of the land.

Be it further resolved that the clerk of the House transmit a copy of this resolution to each of said Senators and Representatives.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 82, set out in the foregoing message from the House, was read once and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

S. J. R. 104. Relative to memorializing the Secretary of Agriculture and the Chief of the Bureau of Public Roads concerning the seven per cent gross road mileage in Alabama.

And returns same herewith to the Senate.

J. H. Stewart, .
Clerk.

ADJOURNMENT.

At 1:10 P. M., on motion of Mr. Adams, the Senate adjourned until 10 o'clock tomorrow morning.

TWENTY-EIGHTH DAY.

Friday, August 3rd, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Dr. Bealle of the House of Representatives.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

Garth

Griffith

Hildreth

Horton

Howle

Hudgens

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)

Martin

Middleton

McNeil

Oliver

Overton

Pelham

Randall

Teasley

Tunstall

Waddell

—31

JOURNAL.

On motion of Mr. Hildreth, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Brower:

S. 335. To amend Sections 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars" approved September 16, 1915 (General Acts of 1915, page 589).

Public Roads and Highways.

Also:

S. 336. To amend section 2 of an Act approved August 26th, 1909, entitled: "An Act to require courts of county commissioners and boards of revenue in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein, one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money."

Public Roads and Highways.

By Mr. Brooks:

S. 337. To amend Section 5534 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Hildreth:

S. 338. To amend Section 3441 of the Code of Alabama of 1907.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Tunstall:

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

By Mr. Tunstall:

S. 330. To authorize the Probate Court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

By Mr. Jones of Barbour:

S. 309. To provide for and require the establishment and operation of a printing plant by the Convict Department for the employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

Mr. Brooks, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second ~~time and placed on the Calendar, to-wit:~~

By Mr. Griffith (with notice and proof):

S. 332. To establish a Board of Revenue for the County of Winston to consist of five members, one of whom shall be president thereof, in lieu of the Commissioners' Court of said county; and to confer on said Board of Revenue all the powers, jurisdiction, and prescribing for it all the duties of the Commissioners' Court of said county, and otherwise defining its jurisdiction, ~~powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said Board and prescribing their terms of office; providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the Court of County Commissioners of said County.~~

By Mr. Grove (with notice and proof):

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contracts in lieu of the existing requirements.

By Mr. Sanders of Conecuh:

H. 410. To provide for the election of the County Superintendent of Education of and for Conecuh County, Alabama, by the qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

By Mr. Howze:

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nine-

teenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Tunstall (with amendment):

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Mr. Brooks, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Wyatt (with amendment):

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama, by the qualified voters of said County.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journals of the Senate for the 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th and 26th Legislative Days, and finds same correct and containing all original entries and references thereto required by the Constitution.

Robt. H. Jones,
Chairman.

COMMITTEE REPORT.

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Jones of Conecuh, said report was concurred in and the Journals of the Senate for the 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th and 26th Legislative Days were approved by the Senate.

RESOLUTIONS.

Mr. Martin, Chairman of the Senate Rules Committee, offered the following Joint Resolution:

S. J. R. 107. Resolved by the Senate of Alabama, the House of Representatives concurring, that the Legislature of Alabama has learned with deepest regret of the death of the President of the United States, and deplores the nation's loss in the sudden death of its great chieftain, and as a mark of respect in memory of our President, that the Legislature of Alabama shall stand adjourned when the hour of 12 M. arrives on this the 3rd day of August, 1923.

And on motion of Mr. Martin, the rules were suspended and the resolution put upon its immediate passage and adopted.

Mr. Martin also offered the following Joint Resolution:

S. J. R. 108. Resolved by the Senate of Alabama, the House of Representatives concurring, that the Governor of Alabama is hereby requested to send by telegram to Mrs. Warren G. Harding, the resolution adopted by the Legislature of Alabama on the death of her distinguished husband, and that the Secretary of State of Alabama, is requested under the Seal of the State to transmit copies of said resolution to Hon. George B. Christian, Secretary to the late President, Hon. Chas. E. Hughes, Secretary of State, and Mrs. Warren G. Harding, the President's grief stricken widow.

And the rules were suspended and said resolution adopted.

Mr. Martin, Chairman of the Rules Committee, also offered the following Joint Resolution:

S. J. R. 109. Resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, they stand adjourned until Tuesday, August 7, 1923, at 2 P. M.

And the rules were suspended and said resolution adopted.

LEAVES OF ABSENCE.

On motion of Mr. Tunstall, leave of absence was granted Mr. Harlan for today.

On motion of Mr. McNeil, leave of absence was granted Mr. Hutson for today.

On motion of Mr. Horton, leave of absence was granted Mr. Sloane for today.

On motion of Mr. Inzer, leave of absence was granted Mr. Powell for today.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled S. J. R. begs leave to report that said Committee, in session, have compared the following enrolled S. J. R. with the engrossed and original S. J. R. respectively, and find same correctly enrolled, to-wit:

S. J. R. 104. Memorializing the Secretary of Agriculture and the Chief of the Bureau of Public Roads to grant a hearing to the Alabama Highway Department and permit it to present then its appointed representative's evidence and facts of the true and correct mileage of Alabama.

C. R. Horton,
Chairman.

SIGNING OF JOINT RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Joint Resolution, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

H. 308. To adopt a code of laws for the State of Alabama.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee, as follows:

H. 308. To the Committee on the Code.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following resolution:

By Mr. Tunstall:

H. J. R. 93. Whereas, the Honorable Oscar W. Underwood is the candidate of the State of Alabama for the Democratic nomination for the presidency of the United States, and

Whereas, it is desired to use all proper efforts to further his candidacy,

Therefore, be it resolved by the House, the Senate concurring, That a committee consisting of the Governor, the Chief Justice of the Supreme Court, the Lieutenant-Governor, the President pro tem of the Senate, the Speaker of the House, and five members of the Senate and nine members of the House to be appointed by their respective presiding officers, and the chairman of the State Democratic Executive Committee, be and the same hereby is raised, to visit the State of Georgia while its Legislature is in session to present to the Democrats of Georgia the claims of our candidate and to invite the hearty co-operation of our fellow Democrats of Georgia in securing his nomination.

And the Speaker names on part of the House, Messrs. Tunstall, Long, Walker, Ashcraft of Lauderdale, St. John, Goodwyn, Kilpatrick, Williams and Pickens.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Tunstall, H. J. R. 93 set out in the foregoing message from the House was concurred in and adopted, and the President of the Senate appointed as a Committee on the part of the Senate, Messrs. Bonner, Garth, Brooks, Foster and Waddell.

RESOLUTION.

Mr. Ellis offered the following Joint Resolution; which was read and referred to the Standing Committee on Rules:

S. J. R. 110. Whereas, our fellow Democrats of Georgia desire that the Democratic National Convention of 1924 be held in the city of Atlanta, and

Whereas, it would be highly gratifying to the people of Alabama to see the claims of Georgia upon the party thus honored,

Therefore be it resolved, by the Senate, the House concurring, That the Legislature of Alabama endorses the candidacy of the city of Atlanta to be selected as the place of holding the next Democratic National Convention, and respectfully recommends its selection for such purpose to the National Committee.

Be it further resolved, That a copy of this resolution be transmitted to the Governor and Legislature of Georgia, the mayor of Atlanta, the chairman of the committee for securing the Democratic Convention for Atlanta, and the chairman and Alabama members of the National Democratic Committee.

CALENDAR BILLS.

On motion of Mr. Adams, the further consideration of the bill:

S. 165. To provide for the protection of orphanages in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Was postponed until the next Legislative Day without losing its place on the Calendar.

On motion of Mr. Foster, the further consideration of the bills:

H. 174. To relieve the Tax Assessor of Morgan County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Also:

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within sixty days after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

Also:

S. 264. To amend Section 14 of an Act entitled "An Act to amend Sections 1 and 2 and 5 of an Act entitled 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited Acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Was postponed until the next Legislative Day without losing their place on the Calendar.

On motion of Mr. Hildreth the further consideration of the bill:

S. 132. To define and regulate the business of dry cleaning and dyeing in cities in the State of Alabama of over six thousand population according to the last Federal census and any subsequent Federal census, and to provide for the erection and maintenance of dry cleaning and dyeing building and establishments, and the inspection by the State of buildings and establishments used for such purpose in such cities; and to provide ways and

means for enforcing this Act, and penalties for the violation thereof.

Was postponed until the Thirty-Third Legislative Day.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Joint Resolution and ordered same returned to the Senate with a favorable report:

~~S. J. R. 110. Relative to endorsing and recommending the City of Atlanta for selection as the place of holding the next Democratic National Convention.~~

On motion of Mr. Martin, said report was concurred in and the resolution concurred in and adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

~~The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:~~

By Mr. Martin, Chairman of Rules Committee:

S. J. R. 108. Relative to the Governor sending by telegram the resolution adopted by the Legislature on the death of the President and requesting the Secretary of State to transmit copies of said Resolution, under the Seal of the State, to Mrs. Harding.

Also:

By Mr. Martin, Chairman of Rules Committee:

S. J. R. 107. Relative to the adjournment of the Legislature through respect of the death of the President of the United States, Hon. Warren G. Harding.

Also:

By Mr. Martin, Chairman of Rules Committee:

S. J. R. 109. Relative to the adjournment of the Legislature until Tuesday, August 7, 1923, at 2 P. M.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

The bill:

H. 412. To provide for the organization, regulation and government of the State Bar, including admissions and disbarments of lawyers.

Was read a third time at length and passed.

Yeas, 28; nays, 1.

*Yeas:**Messrs:*

Adams	Craft	Horton	Middleton
Bonner	Duncan	Howle	McNeil
Brooks	Ellis	Hudgens	Oliver
Brower	Foster	Inzer	Pelham
Caffey	Garth	Johnson	Teasley
Carlton	Griffith	Jones (Barbour)	Tunstall
Carmichael	Hildreth	Jones (Conecuh)	Waddell

—28

Nay: Mr. Martin—1.

The bill:

S. 244. To repeal Sections 4594, 4595 and 4596 of the Code of Alabama, and also an Act entitled "An Act to amend Sections 4594 and 4595 of the Code of Alabama," approved April 7th, 1911.

Was taken up.

Mr. Inzer moved that the further consideration of said bill be postponed until the Thirty-Third Legislative Day.

Mr. Teasley moved that the motion of Mr. Inzer be laid on the table, which motion prevailed and the Senate refused to postpone consideration of said bill.

Yeas, 17; nays, 11.

*Yeas:**Messrs:*

Bonner	Duncan	Hildreth	Randall
Brower	Ellis	Horton	Teasley
Caffey	Foster	Jones (Conecuh)	Tunstall
Carlton	Garth	Oliver	Waddell
Carmichael			

—17

*Nays:**Messrs:*

Brooks	Hudgens	Jones (Barbour)	McNeil
Griffith	Inzer	Martin	Pelham
Howle	Johnson	Middleton	

—11

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 4.

*Yeas:**Messrs:*

Bonner	Craft	Horton	Pelham
Brooks	Duncan	Howle	Randall
Brower	Ellis	Hudgens	Teasley
Caffey	Foster	Johnson	Tunstall
Carlton	Garth	McNeil	Waddell
Carmichael	Hildreth	Oliver	

—23

*Nays:**Messrs:*

Griffith	Inzer	Jones (Barbour)	Martin
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—4

The bill:

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 2.

Yeas:

Messrs:

Adams	Duncan	Hudgens	McNeil
Brooks	Ellis	Inzer	Oliver
Caffey	Foster	Johnson	Pelham
Carlton	Griffith	Jones (Barbour)	Randall
Carmichael	Horton	Martin	Teasley
Craft	Howle		

—22

Nays: Messrs. Bonner and Waddell—2.

The bill:

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker County, Alabama, and to repeal all laws and parts of laws in conflict herewith:

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Adams	Carmichael	Hildreth	Martin
Bonner	Craft	Howle	McNeil
Brooks	Duncan	Hudgens	Oliver
Brower	Ellis	Inzer	Pelham
Caffey	Foster	Johnson	Randall
Carlton	Griffith	Jones (Barbour)	

—23

Nays:—None.

The bill:

S. 302. To provide how fraternal societies organized under the laws of this State may consolidate, merge or reinsure its insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society,

and to provide penalties for the violation of the provisions hereof.

Was taken up.

The following amendment offered by the Standing Committee on Banking and Insurance, to-wit:

Amend Section 2 of Senate Bill No. 302, by striking out the words, "The Commissioner of Insurance shall thereupon consider such contract of consolidation, merger or reinsurance, and if satisfied that the interests of the certificate holders of such fraternal benefit societies are properly protected, and that such contract is just and equitable to the members of each of such societies, and that no reasonable objection exists thereto, shall approve said contract as submitted," where said words appear in lines 15, 16, 17, 18, 19 and 20 from the top Section 2 of said bill, and inserting in lieu thereof the following words: "Such financial statement shall be the basis of such contract of consolidation, merger or reinsurance and the Commissioner of Insurance shall consider such contract of consolidation, merger or reinsurance together with such financial statement, and if satisfied that the consolidation, merger or reinsurance is based upon and is to be consummated in accordance with such financial statement; that the interests of the certificate holders of such fraternal benefit societies are properly protected, and that said contract of consolidation, merger or reinsurance is just and equitable to the members of such societies, and that no reasonable objection exists thereto, he shall approve said contract as submitted." Amend further by striking out the words in line 13 in Section 2 of the bill: "May within his discretion" and insert in lieu thereof the word "shall."

Was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Adams	Carmichael	Griffith	Jones (Barbour)
Bonner	Craft	Hildreth	McNeil
Brooks	Duncan	Howle	Oliver
Brower	Ellis	Hudgens	Pelham
Caffey	Foster	Inzer	Randall
Carlton	Garth	Johnson	Teasley

—24

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams	Brooks	Caffey	Carmichael
Bonner	Brower	Carlton	Craft

Duncan
Ellis
Foster
Garth
Griffith

Hildreth
Horton
Howle
Hudgens
Inzer

Johnson
Jones (Barbour)
Martin
McNeil

Oliver
Pelham
Randall
Teasley

—26

Nays:—None.

The bill:

H. 475. To arrange the boundary between Elmore and Montgomery Counties.

Was read a third time at length and passed.

Yeas, 25, nays, 0.

Yeas:

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

Garth

Griffith

Hildreth

Howle

Hudgens

Inzer

Johnson

Jones (Barbour)

Martin

McNeil

Oliver

Pelham

Randall

Teasley

—25

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Waddell the Senate concurred in the following amendment by the House to Senate Bill No. 289, the title to which is set out in the foregoing message from the House, to-wit:

Amend Senate Bill No. 289, by adding at the end of Section 2 the following words: "Provided that this Act shall not have the effect of altering or changing the line between Lee County, Alabama, and Russell County, Alabama, as it now exists."

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Craft	Horton	Martin
Bonner	Duncan	Howle	McNeil
Brooks	Ellis	Hudgens	Oliver
Brower	Foster	Hutson	Pelham
Caffey	Garth	Inzer	Randall
Carlton	Griffith	Johnson	Teasley
Carmichael	Hildreth	Jones (Barbour)	Waddell

—28

Nays:—None.

MESSAGE FROM THE HOUSE.

The House has originated and passed the following bill:

H. 525. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

And sends same herewith to the Senate without engrossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee, as follows:

H. 525. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

By Mr. Ellis:

S. J. R. 110. Relative to the holding of the Democratic National Convention of 1924 in the City of Atlanta, Georgia.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 194. To alter and rearrange the boundary lines of the City of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

Also:

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Also:

~~S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.~~

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

~~Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill respectively, and finds same correctly engrossed, to-wit:~~

S. 302. To provide how fraternal societies organized under the laws of this State may consolidate, merge or reinsure its insurance risks, with any other fraternal benefit society, or assume or reinsure the risks of any other fraternal benefit society, and to provide penalties for the violation of the provisions hereof.

J. P. Middleton,
Chairman.

ADJOURNMENT.

The hour of 12:00 o'clock having arrived, on motion of Mr. Waddell and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday afternoon at 2:00 o'clock.

TWENTY-NINTH DAY.

Tuesday, August 7th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Mr. Pelham of the Senate.

ROLL CALL.

Upon a call of the roll, the following members answered to their names, a quorum of the Senate:

Present:

Messrs:			
Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle	McNeil	Waddell

—32

JOURNAL.

On motion of Mr. Hutson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Brower:

S. 339. To provide and prescribe the manner and method by which changes and alterations in the form of government of cities having a population of 100,000 or more according to the last or any subsequent Federal census may be adopted, and to provide when such change or changes shall become effective.

Revision of Laws.

By Mr. Adams (with notice and proof):

S. 340. To authorize and empower the town council of the town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent landowners.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the proposed local law as set out below will be introduced at the present session of the Legislature of Alabama:

AN ACT

To be entitled An Act to authorize and empower the town council of the town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent landowners.

Be it enacted by the Legislature of Alabama:

Section 1. That the town council of the town of Clanton, Alabama, be and they are hereby authorized and empowered to vacate, annul or narrow any street, avenue, alley or other public place in the said town of Clanton, Alabama, upon such terms, considerations, or conditions as such town council may deem proper.

Section 2. That in the event that said town council of the town of Clanton should vacate, annul or narrow any street, avenue, alley or other public place in the town of Clanton, Alabama, under the provisions of section 1 of this Act, said town council of the town of Clanton be and they are hereby authorized to convey that part of such street, avenue, alley or public place so annulled, vacated or narrowed, to the adjacent land owners upon such terms, consideration, or conditions as they may deem proper.

Section 3. That the ascertainment of any fact in connection with the vacating, annulling or narrowing of any street, avenue, alley, or other public place in the town of Clanton, Alabama, by the town council of said town, shall be conclusive.

Section 4. Should any court declare any section or subdivision of this Act as unconstitutional, it shall not affect the remaining sections or subdivisions, but the same shall remain in full force and effect.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and they are hereby repealed.

The State of Alabama, }
Chilton County. }

Personally appeared before me the undersigned authority in and for said county in said State, T. E. Wyatt, who having been by me first duly sworn deposes and says on oath, as follows: That he is editor and co-publisher and proprietor of the Union-Banner, a newspaper published in Clanton, Chilton county, Alabama; that the said Union-Banner is a weekly newspaper; that the printed notice which is attached to and pasted to this affidavit has been duly published in and appeared in the regular issue of the said Union Banner, once each week, for four consecutive weeks, in the issues of June 28th, July 5th, 12th and 19th, all in 1923.

T. E. Wyatt.

Sworn to and subscribed before me this the 25th day of July, 1923.

J. B. Atkinson,
Notary Public.

By Mr. Jones of Barbour (with notice and proof):

S. 341. For the relief of W. M. Teal and the estate of B. C. Cox.

Local Legislation.

With notice and proof thereto attached and herewith exhibited, as follows:

NOTICE

Is hereby given that a bill will be introduced in the Legislature of Alabama for the relief of the estate of B. C. Cox, deceased, formerly clerk of the circuit court of Barbour county, and of William Teal, formerly sheriff of Barbour county, for the reimbursement of said officials of certain monies paid by them into the treasury of the said county, occasioned by an omission in properly itemizing and listing certain fine and forfeiture fund script, and by reason of said omission they were required to pay to the said county the amount of the said script which, if it had been properly listed and itemized they would have received credit therefor.

The State of Alabama, }
Barbour County. }

Before me, Huey R. Lee, Judge of Probate in and for said State and county, personally appeared W. L. Gammell who, being first duly sworn, deposes and says: that he is the editor and publisher of the Clayton Record, a newspaper published at Clayton, Barbour county, Alabama, and that the attached published notice was published in said Clayton Record, once a week, for four consecutive weeks, viz.: March 9, 16, 23 and 30, 1923.

W. L. Gammell,
Editor and Publisher, Clayton Record, Clayton, Ala.
Sworn to and subscribed before me this the 12th day of July, 1923.

Huey R. Lee,
(Seal) Judge Probate Barbour County, Alabama.

By Mr. Teasley:

S. 342. To amend sections 6 and 17 of an Act, "Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-five thousand people according to the last Federal census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or

connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be ~~unamenable to the discipline provided for such delinquent as~~ provided under the terms of this Act; and for the appointment of an advisory board to such court and to define the duties and powers of such court; to provide for the appointment of the judge and other officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of ~~all laws in conflict with this Act."~~ ~~Approved October 2nd, 1920.~~

Local Legislation.

By Mr. Teasley :

S. 343. To provide for the appointment of a humane officer in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; to define the duties and fix the compensation of said humane officer.

Local Legislation.

By Mr. Craft:

S. 344. To require all persons operating or driving motor driven vehicles to stop before crossing a railroad track, inter-urban car track or other electric or steam railway track at points outside of incorporated cities or towns.

Public Roads and Highways.

By Mr. Craft:

S. 345. To fix the compensation of members of the Courts of County Commissioners, Boards of Revenue, or other courts of like jurisdiction, and the clerks thereof, in this State, in counties which now have, or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last Federal census or any such census which may hereafter be taken, and to provide for the payment of such compensation.

Local Legislation.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills and resolutions with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. J. R. 110. Relative to the Legislature of Alabama endorsing the candidacy of the City of Atlanta for the place of holding the next Democratic National Convention and recommending the same to the National Committee.

S. J. R. 107. Relative to the Legislature of Alabama adjourning at the hour of 12 M. August 3, 1923, as a mark of respect in memory of our deceased President.

S. J. R. 108. Relative to the Legislature of Alabama sending resolutions of condolence by telegram to Mrs. Warren G. Harding, the grief stricken widow. Hon. George B. Christian, Hon. Chas. E. Hughes.

S. 194. To alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

C. R. Horton,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions, the titles of which are set out in the foregoing report of the Committee on Enrolled Bills.

LEAVES OF ABSENCE.

On motion of Mr. Inzer, leave of absence was granted Mr. Slone for today.

On motion of Mr. Overton, leave of absence was granted Mr. Middleton for today.

On motion of Mr. Duncan, leave of absence was granted Mr. Horton for today.

RESOLUTIONS.

Mr. Brooks offered the following Senate resolution:

S. R. 111. Be it resolved by the Senate of Alabama: That the Senate has learned with deep regret of the death on August 6, 1923 of Miss Judson Middleton, sister of Senator John P. Middleton of the Thirty-First Senatorial District; and that the Senate hereby expresses to the Senator from Marion and to the members of his family its sincere sympathy with them in their bereavement.

Be it further resolved that a copy of this resolution be forwarded to the Senator from Marion.

Which was, under a suspension of the rules, adopted.

Mr. Foster offered the following Senate Joint Resolution, which was read and referred to the Standing Committee on Rules, to-wit:

S. J. R. 112. Resolved by the Senate, the House concurring, that there is hereby created a special joint committee to consist of two members of the Senate, to be appointed by the President of the Senate, and three members of the House, to be appointed by the Speaker of the House, whose duty it shall be to make investigation of the potential water powers of the State and the value of the same to the industrial development of the State; to consider what is necessary to be done to ascertain the amount of power which can be developed on the several streams in Alabama; the respective authority of the State and the Federal Government over the development and use of water power; the general policy the State should pursue in reference to the development of water power, and the granting of rights for that purpose; the necessity of steam auxiliary plants; taxation of hydroelectric plants and the making of rates to be charged the public by the distributors of such power; and to report to the Legislature their findings and conclusions and their recommendations for legislation to carry out a general policy to govern the development and use of water power.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

H. 6. To provide for the election of a county superintendent of education for Coffee county, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Said Governor's message containing the proposed amendment, being in the following words and figures:

"Message to the House of Representatives:
Gentlemen of the House:

Herewith I am returning without my approval House bill No. 6, "A bill to be entitled an Act to provide for the election of a county superintendent of education for Coffee county, * * *" etc.

My objections to the bill in its present form are as follows:

1. The bill in its present form fixes the sum of \$1,800.00 as the minimum and \$2,400.00 as the maximum salary for the superintendent. Measured by pre-war values, as estimated by the U. S. Bureau of Labor Statistics, this would be equivalent to a salary of about \$1,396.00. I greatly fear that this compensation would not command the services of educators adequately qualified by training and experience for the important position of county superintendent of education. It seems to me that the matter of compensation may well be left to the judgment of the county board of education, with the minimum remaining the same as that now provided by the general law, which is \$1,500.00.

2. The bill in its present form fixes the first grade teacher's certificate as the minimum qualification for the office of county superintendent of education in Coffee county, which certificate may be obtained by any high school graduate and is now held by many teachers who have not completed the high school course. Under the present general law and its operation all county superintendents are now required to hold an Alabama certificate in administration and supervision issued by the State Board of Education, the requirements for which are estimated to be several years higher than those prescribed for a first grade certificate. Therefore, a superintendent possessing no higher qualifications than those prescribed in this bill would find many of the teachers under his supervision outranking him materially in scholarship and professional training. Such a situation would, it is feared, result in conditions from which the children of the county would be the chief sufferers.

However much there may be of difference of opinion in regard to the best method for the selection of county superintendents I submit that there should be no difference of opinion in the matter of qualifications; that there should be no lowering of standards and that the minimum qualifications for superintendents should be uniform throughout the State. The children of every county are entitled to school supervision as efficient as that provided for the children of every other county. To that end, the qualifications of county superintendents should be made as nearly uniform as is possible.

I, therefore, suggest the following amendments to the bill:

1. Amend section 3 of the bill as written so as to read as follows:

"Section 3. That the salary of the said county superintendent of education shall be fixed by the county board of education of said county at not

less than fifteen hundred (\$1,500.00) dollars per annum, which salary shall be paid in the same way and manner as now provided under the general laws of the State for the payment of salaries of county superintendents in the several counties."

2. Amend section 4 of the bill as written so as to read as follows:

"Section 4. That said county superintendent of education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State in the conduct of the office of county superintendent of education. No person shall be eligible for political party nomination or for election to the office of county superintendent of education of said county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade and proof of three years of successful teaching experience; provided that, if no person meeting these requirements qualifies for nomination and election as provided in this Act, the county board of education shall appoint a county superintendent of education as provided by the general law regulating the appointment of superintendents."

With the adoption of the suggested amendments the bill will meet my approval.

Respectfully submitted,
Wm. W. Brandon,
Governor.

August 3, 1923.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to said bill H. 6, by a vote of a majority of the whole number elected to the House; said vote being: Yeas 68, nays 0.

And said bill as thus amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House; said vote being: Yeas 68, nays 0.

And said bill together with the Governor's message containing the proposed amendment, is herewith sent to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE.

On motion of Mr. Hudgens, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to H. 6, the title of which is set out in the foregoing message from the House, and said amendment being set out in the foregoing message from the Governor.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

Garth

Griffith	Hutson	Martin	Powell
Harlan	Inzer	McNeil	Randall
Hildreth	Johnson	Oliver	Teasley
Howle	Jones (Barbour)	Overton	Tunstall
Hudgens	Jones (Conecuh)	Pelham	Waddell

—32

Nays:—None.

Which was a majority of the whole number elected to the Senate.

And said bill, H. 6, as thus amended by the amendment of His Excellency, the Governor, was again read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle	McNeil	Waddell

—32

Nays:—None.

Which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING.

The bill:

S. 165. To provide for the protection of orphanages in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Was taken up.

The Standing Committee on Judiciary offered the following substitute for said bill, to-wit:

A BILL.

To be entitled an Act to provide for the protection of child-caring agencies and institutions in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any dependent or orphan child is placed in the custody or control of any child-caring agency or

institution in Alabama by its guardian or next of kin such child-caring agency or institution shall have the exclusive right to the possession, custody and control of such child until such child has attained its majority, or until such agency or institution has discharged such child.

Section 2. Be it further enacted, that any person who shall interfere with such custody and control, or who shall by force remove such child from such custody and control, or who shall entice any such child away from such custody and control, or who shall harbor and detain any such child from such custody and control, ~~shall be guilty of a misdemeanor and on conviction~~ shall be punished by a fine of not more than one thousand dollars, or by imprisonment at hard labor for not more than twelve months, one or both, at the discretion of the court or jury trying the case.

Section 3. And provided that nothing in this Act shall be so construed as to interfere with the duties and powers of the State Child Welfare Department.

~~Section 4. That all laws and parts of laws in conflict with~~ the foregoing provision be and the same are hereby repealed.

Mr. Oliver offered the following amendment to said substitute, to-wit:

Amend the bill by adding to the end of Section 3 the following words: Nor with the powers or discretion now vested in any court to award the custody of children.

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Bonner	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Brower	Griffith	Johnson	Pelham
Caffey	Harlan	Jones (Barbour)	Powell
Carmichael	Hildreth	Jones (Conecuh)	Randall
Craft	Howle	Martin	Tunstall
Duncan	Hudgens	McNeil	Waddell

—28

Nays:—None.

And said substitute, as thus amended, was then adopted.

Yeas, 24; nays, 1.

Yeas:

Messrs:

Adams	Craft	Harlan	Hutson
Bonner	Duncan	Hildreth	Inzer
Brooks	Ellis	Howle	Johnson
Caffey	Foster	Hudgens	Jones (Barbour)

Jones (Conecuh)	Oliver	Pelham	Randall
McNeil	Overton	Powell	Waddell

—24

Nay: Mr. Brower—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 3.

Yeas:

Messrs:			
Bonner	Griffith	Hutson	McNeil
Brooks	Harlan	Inzer	Oliver
Carlton	Hildreth	Johnson	Overton
Craft	Howle	Jones (Barbour)	Pelham
Foster	Hudgens	Jones (Conecuh)	Randall
Garth			

—21

Nays: Messrs. Adams, Brower and Martin—3.

RESOLUTION.

Mr. Martin offered the following Joint Resolution:

S. J. R. 113. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they shall stand adjourned until Thursday, August 9, 1923, at 10:00 A. M.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 113. Relative to adjournment of the two Houses until Thursday morning, at 10:00 A. M.

And on motion of Mr. Martin said report was concurred in, and said resolution concurred in and adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills and resolutions, your signature thereto is requested:

H. 412. To provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.

Also:

H. J. R. 89. Relative to fixing the hours of the clerks in the various legislative departments.

Also:

H. J. R. 92. Relative to raising funds to erect a stadium as a memorial to the alumni of the University of Alabama and the Alabama Polytechnic Institute who sacrificed their lives in the world war.

Also:

H. 475. To arrange the boundary between Elmore and Montgomery counties.

Also:

H. 403. To fix and provide for the payment out of the county treasury the salary of the deputy solicitor for the county court of Walker County, Alabama, and to repeal all laws and parts of laws in conflict herewith:

Also:

H. J. R. 93. Relative to appointing a committee to visit the State of Georgia, while its Legislature is in session to present to the Democrats of Georgia the claims of Hon. Oscar W. Underwood for the Presidency of the United States.

J. H. Stewart,

Clerk.

SIGNING OF BILLS AND RESOLUTIONS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolutions, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Also:

H. 328. To amend section 1 of article 5 and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama; to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and

equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State Text Book Committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private

sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control ~~and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama school of trade and industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establish-~~

ment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

Also:

H. 350. To amend Section 1 of an act approved February 18, 1891 entitled "An Act to amend an act approved February 17, 1885, entitled an act to amend sections 1 and 2 of an act to define the corporate limits of the City of Wetumpka, approved February 23, 1883."

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Elmore County. }

Before me, the undersigned authority in and for said County in said State, personally appeared Frances Golson, who being duly sworn deposes and says on oath that she is the editor of the Weekly Herald, in Wetumpka, Elmore County, Alabama, and that the notice hereinafter set out was published in said paper in the issues thereof dated June 7th, 1923, June 14th, 1923, June 21st, 1923 and June 28th, 1923, said notice being in words and figures as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama, when it convenes in July, 1923, for the passage of an act, the substance of which will be to change the corporate limits of the Town of Wetumpka, in Elmore County, Alabama, so that thereafter the corporate limits of said Town of Wetumpka shall be as follows:

Beginning at the Southeast Corner of Sec. 18, T. 18, R. 19, a marble slab marker for the corner, thence North 3960 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Sec. 17, T. 18, R. 19, thence East 1320 feet, thence North 1320 feet, thence West 1320 feet to the Northeast Corner of Sec. 18, T. 18, R. 19, thence and continued West 5280 feet to the Southeast Corner of Sec. 12, T. 18, R. 18, thence North along the E. line of Sec. 12, 850 feet, thence West 2640 feet, thence South 850 feet to half mile corner on the North line of Sec. 13, T. 18, R. 18, thence West 2640 feet to the Northwest Corner of Sec. 13, T. 18, R. 18, thence South 5280 feet to the Southwest Corner of Sec. 13, thence East 4620 feet to the East Bank of the Coosa River, thence South or Southerly

along said River 2700 feet to the Half Section Line dividing Sec. 24, T. 18, R. 18, East and West, thence East along said Half Section Line 3960 feet to the center of Sec. 19, T. 18, R. 19, thence North 2640 feet to the North Line of said Sec. 19, thence East 2640 feet to the point of beginning, all in Elmore County, Alabama.

Mayor and Aldermen,
Of the Town of Wetumpka.
Frances Golson.

Sworn to and subscribed before me this 9th day of July, 1923.

R. S. Milner,
Notary Public.

Also:

~~H. 499. To provide for the Town of Boaz and School District~~
known as the Boaz School District, to manage and control the affairs of its public schools in said district school district. To provide for the election of a board of education by the Town Council of the Town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said Town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that the following bill will be introduced at the next session of the Legislature.

John W. Brown,
Mayor.

An Act to provide for the Town of Boaz and School District known as the Boaz School District, to manage and control the affairs of its public schools in said district. To provide for the election of a board of education by the Town Council of the Town of Boaz, Alabama. To authorize said board of education to mortgage or pledge the property of said public school for the purpose of procuring additional funds to build or erect and equip a suitable public school building in said Town of Boaz, and to authorize payment and satisfaction of said mortgage out of funds hereafter derived from the levy of a special school tax in said school district.

Section 1. Be it enacted by the Legislature of Alabama that on and after the passage and approval of this Act, the public school of the Town of Boaz, in the Boaz School District, shall be under the supervision, control and management of a board of education elected by the Town Council of the Town of Boaz, Alabama.

Section 2. That said board of education shall have the powers and authority over said school district that the County Board of Education now has or may hereinafter be given by law.

Section 3. That in addition to the powers already conferred on boards of education by law, said board elected for the Town of Boaz under the provisions of this Act, shall have the power and authority to borrow money and to execute a mortgage on the property of said school for the purpose

of procuring additional funds for the erection and equipping a suitable school building in said Town.

Section 4. That said board of education shall have the right to pay off and satisfy said mortgage out of funds derived from the levy and collection of a special school tax voted in said school district, which may hereafter be levied as provided by law, or by other means as they may deem right and to the best interest of the school.

Section 5. That immediately after the passage and approval of this Act the Town Council of the said Town of Boaz shall have the right to proceed to elect a board of education consisting of five members, the same to be elected by a majority of the members of the council sitting at a regularly organized meeting of the Town Council and it shall be legal to elect said board of education at a called meeting of the council, provided however that all members of the council shall have at least one full day's notice of said meeting.

Section 6. The term of office of said members of said board of education shall be for the same period as the council which elects them, and they shall serve without compensation.

Section 7. This Act shall go into effect immediately on its passage and approval by the Governor.

Section 8. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

PUBLISHER'S AFFIDAVIT.

State of Alabama, }
Marshall County. }

Personally appeared before me, John W. Brown, Notary Public in and for said State and County, J. W. Mills, Editor of the Boaz Leader, who, being by me duly sworn, did depose as follows:

That the proposed Act has been published in the Boaz Leader, a newspaper of general circulation, published in the Town of Boaz, Marshall County, Alabama, in its issues of June 8, 15, 22 and 29, in the year 1923, for four consecutive weeks before making this affidavit; and that the same has been published without cost to the State of Alabama.

J. W. Mills,
Affiant.

Sworn and subscribed to before me this 14th day of July, A. D. 1923.
(Seal)

John W. Brown,
Notary Public.

Also:

H. 502. For the relief of W. H. Long, ex-Sheriff of Washington County, Alabama, authorizing the payment to him of fees out of the Fine and Forfeiture Fund of Washington County, Alabama, that have been barred by reason that the claims were not filed within twelve months.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama for the relief of W. H. Long, ex-Sheriff of Washington County, Alabama, providing for the collection by him of fees to be collected out of the fine and forfeiture funds of Washington County, and authorizing the County Custodian of Washington County, Alabama, to pay such fees.

State of Alabama, }
 Washington County. }

I, Thos. A. Gordon, Foreman of the Washington County News, a newspaper published at Chatom, Washington County, Alabama, do hereby certify that a copy of Notice of a local Bill as per clipping hereto attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 7th, 1923, and ending with the issue dated June 28th, 1923. I further certify that I have the right and authority to make this affidavit.

Thos. A. Gordon.

Sworn to and subscribed before me this the 18th day of July, 1923.

Wallace P. Pruitt,

Notary Public, Washington County, Alabama.

Also:

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in ~~pur-~~
~~chasing such sewers or sewer systems and in levying assessments~~
~~against the property abutting on and drained by them; and to~~
 authorize the issuance of bonds for the purpose of providing funds to pay the cost of same.

J. H. Stewart,
 Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees as follows:

H. 307. To the Committee on the Code.

H. 328. To the Committee on Education.

H. Nos. 350, 499 and 502. To the Committee on Local Legislation.

H. 471. To the Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

And returns same herewith to the Senate.

J. H. Stewart,
 Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 113, relative to the adjournment of the two Houses until August 9, at 10 A. M. And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILL POSTPONED.

On motion of Mr. Hutson, the further consideration of the bill:

H. 174. To relieve the Tax Assessor of Morgan County from the duty of preparing a book of assessments and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as permanent record and prepare tax collector's abstracts from said assessment lists.

Was postponed until the Thirty-Third Legislative Day.

BILLS ON THIRD READING RESUMED.

The bill:

S. 264. To amend Section 14 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Bonner	Foster	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Griffith	Johnson	Powell
Caffey	Harlan	Jones (Barbour)	Randall
Craft	Hildreth	Jones (Conecuh)	Teasley
Duncan	Howle	McNeill	Tunstall
Ellis	Hudgens	Oliver	

—27

Nays:—None.

The bill:

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such

depositor, unless within sixty days after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check was forged or raised.

Was taken up.

Mr. Inzer offered the following amendment to said bill:

Amend said bill by inserting the words six months in lieu of the words "Sixty days," where the same appear therein.

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Barbour)	Powell
Carlton	Harlan	Jones (Conecuh)	Randall
Carmichael	Hildreth	Martin	Tunstall
Craft	Howie	McNeil	Waddell
Duncan	Hudgens		

—30

Nays:—None.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Overton
Brooks	Griffith	Johnson	Pelham
Brower	Harlan	Jones (Conecuh)	Powell
Caffey	Hildreth	Martin	Teasley
Carmichael	Howie	McNeil	Tunstall
Craft	Hudgens	Oliver	Waddell
Duncan	Hutson		

—26

Nays:—None.

The bill:

S. 298. To develop, advertise and promote the resources of the several counties in the State.

Was, on motion of Mr. Teasley, postponed until the Thirty-Fifth Day.

The bill:

S. 269. To provide for the proper display of the United States flag and the flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Was taken up.

Mr. Randall offered the following amendment to said bill:

To amend Senate bill No. 269 by adding the following section:

The flags provided for in this Act shall be paid for by local school boards, in localities where local school boards exist, and in localities where there are no local school boards, such flags shall be paid for by the County Boards of Education.

Which was adopted.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle	McNeil	Waddell

—32

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Tunstall
Carmichael	Hildreth	Martin	Waddell
Craft	Howle	McNeil	

—31

Nays:—None.

The bill:

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston County, Alabama.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Carlton	Foster	Howle
Bonner	Carmichael	Garth	Hudgens
Brooks	Craft	Griffith	Hutson
Brower	Duncan	Harlan	Inzer
Caffey	Ellis	Hildreth	Johnson

Jones (Barbour)	McNeil	Pelham	Teasley
Jones (Conecuh)	Oliver	Powell	Tunstall
Martin	Overton	Randall	Waddell

—32

Nays:—None.

The bill:

S. 328. To amend Act number 679, approved September 30th, 1919, entitled "An Act to secure to persons the right of way over lands of other persons."

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hutson	Oliver
Bonner	Ellis	Inzer	Overton
Brooks	Foster	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Powell
Caffey	Harlan	Jones (Conecuh)	Randall
Carlton	Hildreth	Martin	Teasley
Carmichael	Howie	McNeil	Waddell
Craft	Hudgens		

—30

Nays:—None.

The bill:

S. 284. To amend Section 1217 of the Code of Alabama, of 1907, relating to appeals from recorders court.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hutson	Oliver
Bonner	Ellis	Inzer	Overton
Brooks	Foster	Johnson	Pelham
Brower	Garth	Jones (Barbour)	Powell
Caffey	Griffith	Jones (Conecuh)	Randall
Carlton	Harlan	Martin	Teasley
Carmichael	Hildreth	McNeil	Tunstall
Craft	Hudgens		

—30

Nays:—None.

The bill:

S. 131. To amend Section 3531 of the Code of Alabama of 1907 as amended by an Act of the Legislature approved October 5, 1920.

Was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Garth	Johnson	Powell
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle	McNeil	

—31

Nays:—None.

The bill:

S. 272. To amend Section 1074 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 26; nays, 1.

Yeas:

Messrs:

Adams	Garth	Jones (Barbour)	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Harlan	Martin	Randall
Carlton	Howle	McNeil	Teasley
Carmichael	Hudgens	Oliver	Tunstall
Craft	Hutson	Overton	Waddell
Duncan	Johnson		

—26

Nay: Mr. Bonner—1.

The bill:

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	McNeil
Bonner	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Barbour)	Powell
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle		

—30

Nays:—None.

BILL TAKEN FROM CALENDAR AND RE-COMMITTED.

On motion of Mr. Tunstall, the bill:

S. 212. To amend Section 5417 of the Code of Alabama of 1907.

Was taken from today's calendar and re-referred to the Standing Committee on Revision of Laws.

The bill:

S. 178. To amend Section 6918 of the Code of 1907.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Oliver
Bonner	Ellis	Inzer	Overton
Brooks	Foster	Johnson	Palmer
Caffey	Garth	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle	McNeil	Waddell

—28

Nays:—None.

On motion of Mr. Duncan the further consideration of the bill:

~~S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.~~

Was postponed until the Thirty-First Legislative Day.

The bill:

H. 354. To provide for the division of Henry county, Alabama into four commissioners' districts, to define the boundary lines of such districts by showing the beats composing each of such districts; to provide for the election of one commissioner from each of such districts; to fix their terms of office and prescribe their duties under this act and as otherwise provided by law; to fix the date for election of such commissioners; to require such commissioners, including the present court of county commissioners, to furnish bond; and to further define and prescribe the duties and powers of said court of county commissioners.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams	Carlton	Foster	Howle
Bonner	Carmichael	Garth	Hudgens
Brooks	Craft	Griffith	Hutson
Brower	Duncan	Harlan	Inzer
Caffey	Ellis	Hildreth	Johnson

Jones (Barbour)	McNeil	Pelham	Teasley
Jones (Conecuh)	Oliver	Powell	Tunstall
Martin	Overton	Randall	Waddell

—32

Nays:—None.

The bill:

H. 398. To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not Section 6 of an Act entitled an Act "To prevent stock from running at large in Pike county," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year.

Was read a third time at length and passed.

Yeas, 28; nays, 1.

Yeas:

Messrs:

Adams	Craft	Hildreth	Jones (Conecuh)
Bonner	Duncan	Howle	Martin
Brooks	Ellis	Hudgens	McNeil
Brower	Foster	Hutson	Oliver
Caffey	Garth	Inzer	Overton
Carlton	Griffith	Johnson	Pelham
Carmichael	Harlan	Jones (Barbour)	Tunstall

—28

Nay: Mr. Waddell—1.

The bill:

H. 405. For the relief of the county officers in Walker County, Alabama, and to provide for the filing of allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Craft	Hudgens	McNeil
Bonner	Duncan	Hutson	Oliver
Brooks	Garth	Inzer	Overton
Brower	Griffith	Johnson	Pelham
Caffey	Harlan	Jones (Barbour)	Powell
Carlton	Hildreth	Jones (Conecuh)	Tunstall
Carmichael	Howle	Martin	Waddell

—28

Nays:—None.

The bill:

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the probate judge of Walker County, Alabama, for acting as judge of and doing the work of the judge of the county court of Walker County, Alabama.

Was read a third time at length and passed.
Yeas, 29; nays, 0.

Yeas:

Messrs:

Bonner	Ellis	Hudgens	McNeil
Brooks	Foster	Hutson	Oliver
Brower	Garth	Inzer	Overton
Caffey	Griffith	Johnson	Pelham
Carlton	Harlan	Jones (Barbour)	Powell
Carmichael	Hildreth	Jones (Conecuh)	Teasley
Craft	Howle	Martin	Waddell
Duncan			

—29

Nays:—None.

The bill:

H. 353. To require the Court of County Commissioners of Henry County, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said court, showing all disbursements of county funds, for what purpose expended and to whom paid, ~~to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.~~

Was read a third time at length and passed.

Yeas, 28; nays, 1.

Yeas:

Messrs:

Bonner	Duncan	Howle	Martin
Brooks	Ellis	Hudgens	McNeil
Brower	Foster	Hutson	Oliver
Caffey	Garth	Inzer	Overton
Carlton	Griffith	Johnson	Pelham
Carmichael	Harlan	Jones (Barbour)	Powell
Craft	Hildreth	Jones (Conecuh)	Tunstall

—28

Nay: Mr. Waddell—1.

The bill:

H. 50. To abolish the County Court of Autauga County.

Was read a third time at length and passed.

Yeas, 30; nays, 1.

Yeas:

Messrs:

Adams	Duncan	Hudgens	McNeil
Bonner	Ellis	Hutson	Oliver
Brooks	Foster	Inzer	Overton
Brower	Garth	Johnson	Pelham
Caffey	Griffith	Jones (Barbour)	Randall
Carlton	Harlan	Jones (Conecuh)	Teasley
Carmichael	Hildreth	Martin	Tunstall
Craft	Howle		

—30

Nay: Mr. Waddell—1.

The bill:

S. 202. To provide for the reimbursement out of the County Treasury or County Depository for the reasonable expenses incurred by members of the Board of County Commissioners, Board of Revenue and Road Commissioners, or by whatever name said board may be known, for their reasonable traveling expenses within the State of Alabama, when such trip is made for the benefit, or in the interest of the public roads or bridges of their county, and when such trip is taken in pursuance of a resolution adopted by said board while in session and which is made a part of the minutes of such board.

Was taken up.

The Committee on Local Legislation offered the following amendment to said bill:

To amend said bill by adding after the word "known" in the fourth line of the caption of same, the words "in counties having a population of not less than 95,000 nor over 200,000," and by adding after the word "known" in the third line of Section One of said bill the words "in counties having not less than 95,000 population nor over 200,000 population.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgen	Martin
Bonner	Ellis	Hutson	McNeil
Brooks	Garth	Inzer	Oliver
Caffey	Griffith	Johnson	Pelham
Carlton	Harlan	Jones (Barbour)	Randall
Carmichael	Hildreth	Jones (Conecuh)	Tunstall
Craft			

—25

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 3.

Yeas:

Messrs:

Bonner	Duncan	Howle	McNeil
Brooks	Ellis	Hudgens	Oliver
Caffey	Garth	Hutson	Overton
Carlton	Griffith	Inzer	Pelham
Carmichael	Harlan	Jones (Barbour)	Randall
Craft	Hildreth	Jones (Conecuh)	

—23

Nays: Messrs. Adams, Johnson and Waddell—3.

The bill:

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court, approved September 24, 1919.

Was taken up.

The following amendment offered by the Committee on Local Legislation, to-wit:

Amend Section 15½ by adding after the word "arrested" in the fourth line of Section 15½ the following: "However if any person is arrested within a time less than 10 days previous to such first Saturday he shall be required to appear on the first Saturday in the next succeeding month and the officer making the arrest is required to inform the party arrested when he is required to appear."

Was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams
Bonner
Brooks
Caffey
Carlton
Carmichael
Craft
Duncan

Ellis
Garth
Griffith
Harlan
Hildreth
Howle

Hudgens

Hutson

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)

Martin

McNeill

Pelham

Randall

Tunstall

Waddell

—26

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Bonner
Brooks
Brower
Caffey
Carlton
Carmichael
Craft
Duncan

Ellis
Garth
Griffith
Harlan
Hildreth
Howle
Hudgens

Hutson

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)

Martin

McNeill

Oliver

Overton

Pelham

Powell

Randall

Tunstall

Waddell

—29

Nays:—None.

The bill:

S. 252. To amend an Act entitled "An Act to regulate public schools in the county of Mobile," approved February 15, 1876 by amending section 7 thereof so as to relieve the county superintendent of education from the duty of collecting, receiving and disbursing the revenue of the board of school commissioners of Mobile county; and by adding another section to empower and require the said board to elect a treasurer of the board of school commissioners of Mobile county and to fix his term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Bonner	Duncan	Hudgens	Martin
Brooks	Ellis	Hutson	McNeil
Brower	Garth	Inzer	Oliver
Caffey	Griffith	Johnson	Pelham
Carlton	Harlan	Jones (Barbour)	Powell
Carmichael	Hildreth	Jones (Conecuh)	Randall
Craft	Howle		

—26

Nays:—None.

The bill:

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the Superintendents of Banks of Alabama.

Was read a third time at length and passed.

Yeas, 27; nays, 2.

Yeas:

Messrs:

Adams	Ellis	Hudgens	Overton
Bonner	Foster	Hutson	Pelham
Brooks	Garth	Inzer	Powell
Brower	Griffith	Johnson	Randall
Caffey	Harlan	Jones (Barbour)	Teasley
Carmichael	Hildreth	McNeil	Tunstall
Duncan	Howle	Oliver	

—27

Nays: Messrs. Carlton and Waddell.—2.

On motion of Mr. Teasley, the bill:

S. 301. To provide and create a commission form of municipal government and to establish same in all cities of Ala-

bama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

Was postponed until the next Legislative Day.

The bill:

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis
Bonner	Foster
Brooks	Garth
Caffey	Griffith
Carlton	Harlan
Carmichael	Hildreth
Craft	Howle
Duncan	Hudgens

Hutson	Oliver
Inzer	Overton
Johnson	Pelham
Jones (Barbour)	Powell
Jones (Conecuh)	Randall
Martin	Tunstall
McNeil	Waddell

—30

Nays:—None.

The bill:

S. 330. To authorize the probate court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams	Duncan
Bonner	Ellis
Brooks	Foster
Brower	Garth
Caffey	Griffith
Carlton	Harlan
Carmichael	Hildreth
Craft	

Howle	Martin
Hudgens	McNeil
Hutson	Oliver
Inzer	Pelham
Johnson	Randall
Jones (Barbour)	Tunstall
Jones (Conecuh)	Waddell

—29

Nays:—None.

The bill:

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to the pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Craft	Hildreth	McNeil
Bonner	Duncan	Howle	Oliver
Brooks	Ellis	Inzer	Overton
Brower	Foster	Johnson	Pelham
Caffey	Garth	Jones (Barbour)	Powell
Carlton	Griffith	Jones (Conecuh)	Randall
Carmichael	Harlan	Martin	Tunstall

—28

Nays:—None.

CALENDAR BILL RE-REFERRED.

Mr. Waddell moved that the bill:

S. 309. To provide for and require the establishment and operation of a printing plant by the Convict Department for the employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

Be taken from today's calendar and re-referred to the Standing Committee on Finance and Taxation.

The Chair held that said bill S. 309, carried an appropriation and should be re-referred to said Committee on Finance and Taxation under the rules of the Senate.

Mr. Overton appealed from the ruling of the Chair that said bill carried an appropriation, and the Chair was sustained.

Yeas, 23; nays, 6.

Yeas:

Messrs:

Adams	Craft	Hutson	Oliver
Bonner	Duncan	Inzer	Powell
Brooks	Foster	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Tunstall
Carlton	Hildreth	Martin	Waddell
Carmichael	Hudgens	McNeil	

—23

Nays:

Messrs:

Brower	Howle	Overton	Pelham
Griffith	Johnson		

—6

Thereupon, the President and Presiding Officer of the Senate re-referred said bill, S. 309, to the Standing Committee on Finance and Taxation.

RESOLUTION.

Mr. Craft offered the following Senate resolution:

S. R. 114. Be it resolved, That the Rivers and Harbors Committee be increased from 5 members to 11 members.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 206. To amend Section 1 of an Act entitled an Act to provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

Also:

S. 209. "To provide for the appointment of an additional deputy clerk of circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy."

Also:

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by article 3, chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Also:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may

hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 5:30 P. M., on motion of Mr. Adams and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Thursday morning, August 9th, 1923, at 10:00 A. M.

THIRTIETH DAY.

Thursday, August 9, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Dr. Frank Willis Barnett of Birmingham.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	McNeil	Tunstall
Craft	Howle	Oliver	Waddell
Duncan	Hudgens		

—34

JOURNAL.

On motion of Mr. Hutson, reading of the Journal of yesterday was dispensed with and same approved.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Griffith:

S. 346. To amend Section 6856 of the Code of 1907.

Revision of Laws.

By Mr. Tunstall (with notice and proof):

S. 347. To create and establish a board of revenue in and for ~~Calhoun county, Alabama, in the place and stead of the court of~~ county commissioners of Calhoun county now existing in said county, and abolishing said court of county commissioners of said county; to divide the said county of Calhoun into five districts for the election of members of the said board of revenue, and fixing the boundaries of said districts; defining the jurisdiction of said board of revenue and fixing their compensation, and conferring upon said board of revenue all the jurisdictions, powers and authority granted by law to courts of county commissioners, boards of revenue, or other governing bodies of like kind and authority in the State of Alabama; constituting the first members of said board of revenue, and providing for the election of their successors.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Is hereby given that application will be made to the Legislature of Alabama at the present (1923) session to pass an Act, the substance of which is as follows:

A bill to be entitled an Act to create and establish a board of revenue in and for Calhoun county, Alabama, in the place and stead of the court of county commissioners of Calhoun county now existing in said county, and abolishing said court of county commissioners of said county; to divide the said county of Calhoun into five districts for the election of members of the said board of revenue, and fixing the boundaries of said districts; defining the jurisdiction of said board of revenue and fixing their compensation, and conferring upon said board of revenue all the jurisdiction, powers and authority granted by law to courts of county commissioners, boards of revenue, or other governing bodies of like kind and authority in the State of Alabama; constituting the first members of said board of revenue, and providing for the election of their successors.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in and for the county of Calhoun a board of revenue of Calhoun county, to be composed of five members, one of whom shall be the chairman of said board, and all of whom shall be qualified voters of said county.

Section 2. The court of county commissioners of Calhoun county, as now constituted, is hereby abolished upon the approval of this Act, and there is hereby conferred upon said board of revenue all jurisdiction and powers which are now or may hereafter be vested by law in courts of county com-

missioners, boards of revenue, or other like governing bodies of the several counties of this State.

Section 3. That for the purposes of this Act, said county of Calhoun is hereby divided into five districts, numbered respectively from one to five, both inclusive.

District No. 1 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 1, 3, 7, 19 and 24.

District No. 2 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 15 and 20.

District No. 3 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 2, 5, 6, 14, 18, 22 and 23.

District No. 4 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 8, 9, 10, 11 and 16.

District No. 5 shall embrace the following precincts of said county as now constituted, namely: Precincts Nos. 4, 12, 13, 17 and 21.

Section 4. The members of the board of county commissioners of Calhoun county, as now constituted, who are now qualified and serving as members of said court, shall constitute the first board of revenue, under the provisions of this Act, and the said members of the court of county commissioners shall hold office as members of said board of revenue until the expiration of the respective terms for which they have heretofore been elected as members of the court of county commissioners. The president of the present court of county commissioners shall become and is hereby constituted the chairman of the board of revenue which is hereby created, and he shall hold office and serve as such chairman until the expiration of said term for which he was elected as president of the said commissioner's court.

Section 5. At the general election to be held in November, 1924, and each four years thereafter, members of the said board of revenue shall be elected by the qualified voters of the respective districts in and for the following of said districts: District No. 1, District No. 2 and District No. 5. At the general election to be held in November, 1926, and each four years thereafter, members of the said board of revenue shall be elected by the qualified voters of the respective districts in and for the following districts: Districts Nos. 3 and 4. The members of said board of revenue for each of such districts shall be a resident of said district for which he is elected and shall be a qualified elector of said county and shall be elected by the qualified electors of the said district for which he is elected. He shall be over twenty-one years of age and of good moral character. The said members so elected shall hold office for a term of four years from and after the first day of January after their election. Vacancies in office shall be filled by appointment by the Governor, and any person appointed to fill a vacancy shall hold office for the unexpired term and until his successor shall be elected, as hereinabove provided. Any person appointed to fill a vacancy shall have the same qualifications as to residence and character as required of the elective members.

Section 6. The members of said board of revenue shall each receive as compensation the sum of \$7.50 per day for each day that such member is in attendance upon the meetings of said board, such compensation being payable out of the county treasury; provided, however, that no member of the board shall receive compensation for his services in excess of one hundred days during any one calendar year.

Section 7. At the first meeting of the said board of revenue held on or after the first day of January, 1925, the said board shall elect one of its members as chairman of said board, who shall hold office as chairman for a term of two years, at which time his successor as chairman shall be elected by the members of the board as then constituted.

Section 8. The said board of revenue may, if they so determine, elect a secretary of said board, who shall keep the minutes and do clerical work of said board. The salary of said secretary shall be fixed by the board at a

sum not exceeding \$600.00 per annum, payable monthly out of the county treasury.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said county in said State, personally appeared Chas. S. Leyden, who, being duly sworn, doth depose and say that he is secretary of the Consolidated Publishing Company, the publishers of the Anniston Star; that the said Anniston Star is a daily newspaper published in said county of Calhoun, and State of Alabama; that the foregoing notice has been duly published in said Anniston Star once a week for four consecutive weeks before the making of this affidavit.

Chas. S. Leyden.

Sworn to and subscribed before me this 6th day of August, 1923.
(Seal)

Clara B. Wright,

Notary Public, Calhoun County, Alabama.

Also (with notice and proof) :

S. 348. To establish the office of road supervisor in and for the county of Calhoun; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment.

Local Legislation

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at the present (1923) session to pass an Act, the substance of which is as follows:

A bill to be entitled an Act to establish the office of road supervisor in and for the county of Calhoun; to prescribe his qualifications and duties, to fix his salary and to provide for the method of his election or appointment:

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created in and for the county of Calhoun the office of road supervisor, who shall be elected, or appointed by the board of revenue of said county at the first meeting of said board of revenue held after the approval of this Act. He shall be elected for a term of two years, beginning on the first day of October, 1923, and a successor to said supervisor shall be elected or appointed by said board of revenue each two years thereafter. He shall be paid a salary out of the county treasury of Calhoun county, Alabama, to be fixed by the board of revenue of said county, of not less than \$2,400.00 per annum nor more than \$3,000.00 per annum, payable monthly by a warrant drawn by said commissioner's court.

Section 2. Said road supervisor shall be a competent civil engineer and shall devote all of his time to the discharge of his official duties.

Section 3. The said road supervisor shall have the general supervision and care of maintaining, repairing and improving the public roads of said county and the building of new roads when such new roads are established by the board of revenue of said county. He shall employ all agents, overseers and laborers required for the work of the public roads of said county and shall fix the compensation of such employees, subject to approval by the board of revenue. He shall, by and with the advice of the board of revenue, purchase all necessary road machinery, material, supplies and equipment necessary and desirable in and about the work on said public roads and shall do and perform, under the direction of the board of revenue of said county, all the duties in connection with the maintenance and improvement of pub-

lic roads required by the general laws of this State, of boards of revenue or courts of county commissioners, except the establishment of new roads or the changing of roads.

Section 4. The board of revenue of said county shall require the said road supervisor to execute a bond, with surety to be approved by the board of revenue, payable to Calhoun county, in a penalty not to exceed \$5,000.00 per annum, for the faithful performance of his duties as supervisor and for the faithful accounting for all moneys or property of said county which may come into his hands as such supervisor.

Section 5. If at any time a vacancy shall occur in the office of road supervisor of said county by expiration of term or otherwise, and the said board of revenue should fail for thirty days after said vacancy occurs to fill the same, the office shall be filled by appointment of the Governor, and the appointee shall hold for the unexpired term and until a successor shall have been elected or appointed as herein provided.

Section 6. The board of revenue of said county shall, in addition to the salary fixed for said road supervisor, provide reasonable and necessary transportation to enable the said road supervisor to discharge the duties of his office.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said county in said State, personally appeared Chas. S. Leyden, who, being duly sworn, doth depose and say that he is secretary of the Consolidated Publishing Company, the publishers of the Anniston Star; that the said Anniston Star is a daily newspaper published in said county of Calhoun, and State of Alabama; that the foregoing notice has been duly published in said Anniston Star once a week for four consecutive weeks before the making of this affidavit.

Chas. S. Leyden.

Sworn to and subscribed before me, this 6th day of August, 1923.
(Seal)

Clara B. Wright,

Notary Public, Calhoun County, Ala.

Also:

S. 349. To repeal an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Is hereby given that application will be made to the Legislature of Alabama at the present (1923) session to pass an Act, the substance of which is as follows:

A bill to be entitled an Act to repeal an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901.

Be it enacted by the Legislature of Alabama, That an Act entitled, "An Act to regulate and secure a better working of public roads in the county of Calhoun, and to prescribe the powers and duties of various officers in relation thereto," approved February 28th, 1901, be and the same is hereby repealed.

State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a Notary Public in and for said county in said State, personally appeared Chas. S. Leyden, who, being duly sworn, doth depose and say that he is secretary of the Consolidated Publishing Company, the publishers of the Anniston Star; that the said Anniston Star is a daily newspaper published in said county of Calhoun, and State of Alabama; that the foregoing notice has been duly published in said Anniston Star once a week for four consecutive weeks before the making of this affidavit.

Chas. S. Leyden.

Sworn to and subscribed before me, this 6th day of August, 1923.

Clara B. Wright,

(Seal)

Notary Public, Calhoun County, Ala.

By Mr. Overton:

S. 350. To amend Section 2066 of the Code of 1907.

Corporations.

By Mr. Adams:

S. 351. To provide for holding elections to determine whether or not stock shall be permitted to run at large in a county.

Local Legislation.

By Mr. Brower (with notice and proof):

S. 352. To vacate, close and annul as public highways, streets or avenues of travel for the public use, that portion of Sixth avenue, north, which lies between and formerly connected Eighty-seventh street and Eighty-eighth street near the eastern city limits of the city of Birmingham, Alabama, and that portion of Eighty-eighth street beginning where said Eighty-eighth street connects with an alley between Fifth avenue road and Arola avenue, and running northward to a point where said Eighty-seventh street now connects with said Eighty-eighth street, near the eastern city limits of the city of Birmingham, Alabama, and, to further provide that the title to land comprising said portions of said streets and avenues shall revert to, and vest in the owners of the abutting property.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention of the undersigned to apply for the enactment of a local law by the present session of the Legislature of Alabama, the substance, purpose and effect of which said local law will be that the dedication and use by the public of the following portions of streets and avenues in Jefferson county, Alabama, shall be denied, voided, vacated and held for naught, namely:

That part of Sixth avenue, north, lying and being between Eighty-seventh street and Eighty-eighth street, which said part of Sixth avenue, north, lies just south of a point where said Eighty-seventh street and said Eighty-eighth street unite between said Sixth avenue north and Seventh avenue,

north; also, that part of Eighty-eighth street north, between the northerly line of an alley which runs in an easterly and westerly direction, and in the general direction of, and between Fifth avenue road and Arola avenue, said alley extending easterly from said Eighty-eighth street, and in a northerly direction to a point, line or place where said Eighty-seventh street joins on to, connects with, or runs into said Eighty-eighth street, said junction being between said Sixth avenue, north, and Seventh avenue, north, in Jefferson county, Alabama; it being the purpose of said local law to effectuate the junction of said Eighty-eighth street and said Eighty-seventh street by running said Eighty-seventh street directly across lot eleven (11) in block eighteen (18) F., in the East Lake Land Company's Survey in the way and manner recently effected by an agreement between the board of revenue of Jefferson county and the owners of the real property contiguous thereto, and to abandon said described portion of Sixth avenue, north, and that part of Eighty-eighth street, north, hereinbefore described, which has been dedicated to, but never used by the public;

Said streets and avenues are shown on the maps of the Wallace and Haggard Survey as recorded in Map Book eight (8), at page forty-five (45) thereof, and on the map of the East Lake Land Company's Survey as recorded in Map Book six (6) at page thirty-one (31) thereof;

It will further be provided in said proposed local law that after its passage such vacated portion, or portions of said streets and avenues shall cease to be highways, and that the land embraced and included in said vacated portions of said streets and avenues shall vest absolutely in the abutting property owners; and, that such Act or local law shall go into effect immediately upon its passage and approval as provided by law.

Charlie Barber.

State of Alabama, }
Jefferson County. }

Personally appeared before me, a Notary Public in and for the said State and county, J. C. Sheehan, who after being duly cautioned and sworn, depose and says as follows: That he is the advertising manager of the Southern Labor Review, a weekly newspaper published in the State of Alabama, county of Jefferson, city of Birmingham, and that a legal notice was published for four (4) consecutive weeks in the above named paper Jan. 10th, 17th, 24th and 31st, 1923, copy of which advertisement is hereto attached.

J. M. Jolly,
Notary Public.

This the 6th day of Aug., 1923.
(Seal)

Notary Public for Jefferson County, State of Alabama.
My commission expires July 19, 1927.

By Mr. Martin (with notice and proof) :

S. 353. For the relief of the Dothan Insurance Agency, a corporation, for tax erroneously paid the State of Alabama, and the county of Houston for the year 1922, and to authorize and require the State and county to refund the same.

Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows :

State of Alabama, }
Houston County. }

Before me, W. C. Batchelor, a Notary Public, in and for said State and County, personally appeared W. T. Hall, who, being by me first duly sworn, deposes and says that, he is the Editor and Publisher of the Dothan Eagle,

a newspaper published at Dothan, in said State and County, and that the following notice, to-wit:

"Notice is hereby given that a bill will be introduced at the adjourned session of the Legislature of Alabama, which convenes on the 10th day of July, 1923, the substance of which will be, for the relief of the Dothan Insurance Agency, a Corporation of Dothan, Alabama, for the sum of \$106.22, erroneously paid to the State of Alabama for the year 1922, and for the sum of \$171.60, amount of taxes erroneously paid the County of Houston for the year 1922, and to authorize and require the State and County to refund said amounts.

This June 30th, 1923.

Dothan Insurance Agency, a Corporation,
By E. C. Porter, President."

was published in said newspaper for four consecutive weeks beginning with the issue of the 30th day of June, 1923, and continued to and contained in the issue of the 21st day of July, 1923, and that said notice has been published once a week for four consecutive weeks.

W. T. Hall.

Sworn to and subscribed before me this the 31st day of July, 1923.
(Seal)

W. C. Batchelor,
Notary Public, Houston County, Alabama.

By Mr. Randall:

~~S. 354. To change the name of the State Normal School at Livingston, Alabama, to the Julia Tutwiler State Normal School.~~
Education.

REPORTS OF COMMITTEES.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Hildreth:

S. 338. To amend Section 3441 of the Code of Alabama of 1907.

By Mr. Kilborn:

H. 525. To fix the compensation of Circuit Judges of the State of Alabama in Circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

By Mr. Fite:

H. 360. "To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census."

By Mr. Fite (with substitute) :

H. 365. To authorize and empower the Circuit Solicitor in all counties in the State of Alabama having five or more Circuit Judges, or which counties may hereafter have five or more Circuit Judges, and which Circuit is confined to one county and in such county there is a division of the Circuit Court held at some other place in said county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there are elected from that portion of the county other than the county site, a Deputy Circuit Solicitor, to employ all shorthand reporters necessary to properly report the proceedings before the Grand Jury and transcribe the same, and stenographer or stenographers for the office work of such Solicitors, and all assistants or assistance necessary to properly administer justice in such county; to fix their compensation, and the manner of the payment of same; and to incur all necessary expenses to properly administer justice in such counties.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Fite:

H. 359. To amend an Act entitle "An Act to provide for the appointment of Deputy Circuit Solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.

By Mr. Fite:

H. 358. To amend Sections 3, 6 and 7 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Jones of Barbour:

S. 309. To provide for and require the establishment and operation of a printing plant by the Convict Department for the

employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

By Mr. Fite:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following bill, and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Adams:

S. 308. To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State, and to make the provisions hereof retroactive.

Mr. Inzer, Chairman of the Standing Committee on Education, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Overton:

S. 231. To validate and legalize elections heretofore held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

By Mr. Bowen:

H. 328. To amend section 1 of article 5 and section 25 of article 8 and section 19 of article 9 of an Act entitled "An Act to provide a complete educational system for the State of Alabama;

to provide for a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the State within certain ages, to fix penalties; to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers' institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural school houses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the State for school purposes; to provide for rural libraries throughout the State, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform textbooks throughout the State and to authorize the creation of a State Text Book Committee and to define its powers and duties; to provide for county high schools and pre-

scribe the conditions under which such county high schools may obtain assistance from the State, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high school treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the ~~name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State Secondary Agricultural Schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama school of trades and industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, later called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of trustees for such institute, to prescribe their powers and duties, their method of appointment and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute; to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a State council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind; to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the~~

management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto and for the use of appropriations for such school, to provide for the lease and sale of school lands in the State; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this Act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this Act and to provide for the repeal of inconsistent laws enacted hereafter." Approved September 26, 1919.

By Mr. Horton (with substitute) :

S. J. R. 55. Relative to prohibiting the teaching of atheism, agnosticism, Darwinism, or any other hypothesis that links man in blood relationship to any other form of life.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Ashcraft of Lauderdale:

H. 371. To amend Section 5896 of the 1907 Code of Alabama.

Mr. McNeil, Chairman of the Standing Committee on Municipalities and Municipal Organization, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Smith of Lee:

H. 471. To authorize all cities and towns in the State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Mr. Randall, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Foster:

S. 171. For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

~~Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:~~

By Mr. Craft:

S. 344. To require all persons operating or driving motor driven vehicles to stop before crossing a railroad track, inter-urban car track or other electric or steam railway track at points outside of incorporated cities or towns.

By Mr. Brower:

S. 335. To amend Sections 1 and 3 of an Act "To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars" approved September 16, 1915 (General Acts of 1915, page 589).

By Mr. Brower:

S. 336. To amend section 2 of an Act approved August 26th, 1909, entitled: "An Act to require courts of county commissioners and boards of revenue in the counties where there is levied a road tax, general or special, or where, by the tax levy a portion of the tax levied for or devoted to the purpose of constructing, repairing or maintaining roads or highways of any description of the county, to pay over each year to each municipality therein, one-half of the money collected on such road tax on the property located in such municipality, and to provide for the disposition of such money."

Mr. Waddell, Chairman of the Standing Committee on Code, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Merrill:

H. 308. To adopt a Code of Laws for the State of Alabama.

By Mr. Merrill:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Mr. Brooks, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Long (with amendment):

H. 286. To provide for the election of a County Superintendent of Education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

By Mr. Adams (with notice and proof):

S. 340. To authorize and empower the Town Council of the Town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said Town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent land-owners.

By Mr. Long (with notice and proof):

H. 285. To prohibit the Court of County Commissioners of Butler County, Alabama, from issuing the bonds of Butler County as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

By Mr. Craft:

S. 345. To fix the compensation of members of the Courts of County Commissioners, Boards of Revenue, or other courts of like jurisdiction, and the clerks thereof, in this State, in counties which now have, or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last Federal census or any such census which may hereafter be taken, and to provide for the payment of such compensation.

By Mr. Teasley:

S. 343. To provide for the appointment of a Humane Officer in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken;

to define the duties and fix the compensation of said Humane Officer.

By Mr. Teasley:

S. 342. To amend sections 6 and 17 of an Act, "Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-five thousand people according to the last Federal census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the State, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties juvenile courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations, and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such courts; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an advisory board to such court and to define the duties and powers of such court; to provide for the appointment of the judge and other officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act." Approved October 2nd, 1920.

By Mr. Dickinson (with notice and proof) :

H. 339. To repeal an Act, "Entitled An Act, to make Township 17, Range 16 in Autauga County, a separate School District, approved February 17th, 1865.

By Mr. Dowdle (with notice and proof) :

H. 397. To rearrange and redistrict the Commissioners Court Districts of Pickens County, Alabama.

By Mr. Parker :

H. 262. To further regulate the workings of the public roads in Coosa County, Alabama.

By Mr. Hodgson :

H. 305. To repeal an Act to better provide for the working of the public roads in the counties of Baldwin, Escambia and Monroe, approved February 9, 1901, insofar as the same applies to Baldwin County.

By Mr. Grove :

H. 297. To amend an Act entitled "An Act to create the office of Revenue Constable for Mobile County and to prescribe his duties," approved February 24th, 1887, as amended by Act approved February 11, 1893, and as amended by Act approved August 2nd, 1907.

By Mr. Teasley :

S. 237. To authorize courts of county commissioners, board of revenue or other courts of like jurisdiction of all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken, to work county and State convicts anywhere within this State; to authorize the governing bodies of said counties to hire from the governing bodies of other counties county convicts, and to authorize the governing bodies of said counties to hire from the State of Alabama convicts for the purpose of working them under the provisions of this Act; and to pay for such convict hire, and to employ the necessary guards to prevent the escape of convicts, and to procure medical treatment for convicts so employed, and to purchase the necessary cells, equipment, and to acquire by lease, purchase or condemnation proceedings lands or other property, real or personal, necessary to carry out the provisions of this Act; and to provide that the net proceeds derived from the working of said convicts shall be used for working, grading, building and maintaining the public roads and bridges of said counties.

ADVERSE REPORTS.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with

an adverse report, and it was placed on the Adverse Calendar, to-wit:

By Mr. Jones of Barbour:

S. 189. To provide for the enforcement of the provisions of Section Two Hundred and Eighty of the Constitution of the State of Alabama; and to provide that no person shall hold more than one office of profit under this State with certain exceptions; to provide penalties for the violation thereof, and to define the terms thereof.

~~Mr. Randall, Chairman of the Standing Committee on Public Health, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the Adverse Calendar, to-wit:~~

By Mr. Griffith:

S. 229. To amend Section 704 of the Code of 1907.

RESOLUTION.

~~Mr. Martin, Chairman of the Rules Committee, offered the following resolution:~~

S. J. R. 115. Whereas, the President of the United States has by official proclamation set aside Friday, August 10th, as a day of mourning for the late President, Warren G. Harding.

Therefore be it resolved by the Senate of Alabama, the House of Representatives concurring, that,

When both Houses shall adjourn today, they stand adjourned until Tuesday at 2 o'clock P. M., on August 14th, 1923.

Mr. Powell offered the following amendment to said resolution, to-wit:

Amend S. J. R. 115 by striking out the words Tuesday at 2 P. M. and adding in lieu thereof "Monday at 2 P. M."

And the amendment was adopted.

Yeas, 19; nays, 13.

Yeas:

Messrs:

Adams	Griffith	Hudgens	Pelham
Brower	Harlan	Inzer	Powell
Caffey	Hildreth	Johnson	Randall
Ellis	Horton	McNeil	Slone
Garth	Howle	Overton	

—19

Nays:

Messrs:

Bonner	Foster	Jones (Conecuh)	Teasley
Carlton	Hutson	Martin	Tunstall
Carmichael	Jones (Barbour)	Oliver	Waddell
Duncan			

—13

And said resolution, as thus amended, was then adopted.

RESOLUTION.

Mr. Martin offered the following Joint Resolution, which was read and referred to the Standing Committee on Rules:

S. J. R. 116. Resolved by the Senate, the House concurring, that there is hereby appointed a special joint committee to consist of two members of the Senate, to be appointed by the President of the Senate, and three members of the House, to be appointed by the Speaker of the House, who shall make investigation of the several departments of the State Government and ascertain the number of employes now retained in each of said Departments, and also the number of employes necessary for the efficient and economical carrying on of each such Department during the remainder of this administration, and report their findings to the Legislature.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bills with the original bills respectively, and find same correctly engrossed, to-wit:

S. 165. To provide for the protection of child-caring agencies and institutions in maintaining custody and control of dependent and orphan children lawfully committed to their care, and to provide for punishment for interference with such custody and control.

Also:

S. 264. To amend Section 14 of an Act entitled, "An Act to amend Sections 1 and 2 and 5 of an Act entitled, 'An Act to amend the title and Sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46, and to repeal Sections 31 and 32 of an Act entitled, 'An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited Acts relating thereto, approved March 2, 1911,' approved February 15, 1915.'"

Also:

S. 269. To provide for the proper display of the United States flag and the flag of the State of Alabama in the schools of Alabama that are supported in part or in whole by public funds and to provide for the enforcement of the same.

Also:

S. 295. To provide for the issuing of bonds by municipalities and to provide for the creation of a sinking fund to liquidate the bonds of municipalities and to provide for the investment of

such sinking funds and to provide for the supervision of certain persons, firms, or corporations with whom such sinking funds are invested by the Superintendents of Banks of Alabama.

Also:

S. 296. To amend an Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said Court shall be open at all times for the trial of cases and transaction of business; prescribing rules and ~~procedure of said court; and to provide for the transfer of certain~~ causes now or hereafter pending in the Circuit Court of Morgan County, Alabama, to the Morgan County Court. Approved September 24, 1919.

S. 131. To amend Section 3531 of the Code of Alabama of 1907 as amended by an Act of the Legislature approved October 5, 1920.

Also:

S. 149. To amend an Act entitled "An Act to promote the sale of farm loan bonds issued by the Federal Land Banks organized under the provisions of the Farm Loan Act" approved September 17, 1919.

Also:

S. 178. To amend Section 6918 of the Code of 1907.

Also:

S. 202. To provide for the reimbursement out of the County Treasury or County Depository for the reasonable expenses incurred by members of the Board of County Commissioners, Board of Revenue and Road Commissioners, or by whatever name said board may be known, in counties having a population of not less than 95,000 nor over 200,000 for their reasonable traveling expenses within the State of Alabama, when such trip is made for the benefit, or in the interest of the public roads or bridges of their county, and when such trip is taken in pursuance of a resolution adopted by said board while in session and which is made a part of the minutes of such board.

Also:

S. 272. To amend Section 1074 of the Code of Alabama.

Also:

S. 252. To amend an Act entitled "An Act to regulate public schools in the County of Mobile," approved February 15, 1876 by amending Section 7 thereof so as to relieve the County Superintendent of Education from the duty of collecting, receiving and disbursing the revenue of the Board of School Commissioners of Mobile County; and by adding another section to empower and require the said board to elect a treasurer of the Board of School Commissioners of Mobile County and to fix his

term of office and salary, the said section to prescribe his duties and to require him to execute a bond for the faithful performance of his duties.

Also:

S. 311. To regulate the practice in equity cases in the matter of objection to and consideration of testimony.

Also:

S. 328. To amend Act number 679, approved September 30th, 1919, entitled "An Act to secure to persons the right of way over lands of other persons."

Also:

S. 330. To authorize the probate court to set apart and invest title absolutely in the wife and minor children of the homestead and personal property of a husband who has been absent from the said family and unheard of for ten years.

Also:

S. 263. To relieve banks and trust companies doing a banking business from liability to a depositor for the payment in good faith of a forged or raised check, issued in the name of such depositor, unless within six months after the return to the depositor of the voucher representing such payment, the depositor shall notify the bank in writing that the check so paid was forged or raised.

J. P. Middleton,
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following Joint Resolution:

By Mr. Long:

H. J. R. 101. Resolved by the House, the Senate concurring, that out of respect to our late honored President, the two Houses adjourn for Friday the 10th inst., and

Resolved further that when the two Houses adjourn today they adjourn to meet Tuesday, the 14th day of August, 1923, at 2 o'clock P. M.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

Mr. Powell offered the following amendment to H. J. R. 101, which is set out in the foregoing message from the House, to-wit:

Amend H. J. R. 101 resolution by striking out word Tuesday and inserting in lieu thereof Monday.

Which was adopted.

And said resolution as thus amended, was then concurred in and adopted by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

~~S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.~~

S. 206. To amend Section 1 of an Act entitled an Act to provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-establish by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

S. 209. "To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy."

C. R. Horton,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 354. To provide for the division of Henry county, Alabama, into four commissioners' districts, to define the boundary lines of such districts by showing the beats composing each of such districts; to provide for the election of one commissioner from each of such districts; to fix their terms of office and prescribe their duties under this act and as otherwise provided by law; to fix the date for election of such commissioners; to require such commissioners, including the present court of county commissioners, to furnish bond; and to further define and prescribe the duties and powers of said court of county commissioners.

Also:

H. 353. To require the court of county commissioners of Henry county, Alabama, to have published in some newspaper published in said county, a statement, following each regular, adjourned or called meeting of said court, showing all disbursements of county funds, for what purpose expended and to whom paid; to fix the time for such publication; to provide for payment therefor; and to provide penalties for failure to do so.

Also:

H. 398. To provide for an election by the qualified voters of Pike county, Alabama, to determine whether or not section six of an Act entitled an Act "To prevent stock from running at large in Pike county," approved December the 9th, 1890, shall be repealed, so as to prevent stock from running at large in Pike county at any time during the year.

Also:

H. 383. To authorize and empower the commissioners of the city of Mobile to fix the duties of the Mobile Light and Railroad Company as to pavement of streets in the city of Mobile by contract in lieu of the existing requirements.

Also:

H. 50. To abolish the County Court of Autauga County.

Also:

H. 303. To alter or re-arrange the boundaries of the city of Dothan, Houston county, Alabama.

Also:

H. 6. To provide for the election of a County Superintendent of Education for Coffee County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

Also:

H. 404. To fix the amount and manner of payment of the salary or compensation to be paid the probate judge of Walker county, Alabama, for acting as judge of and doing the work of the judge of the county court of Walker county, Alabama.

Also:

H. 405. For the relief of the county officers in Walker county, Alabama, and to provide for the filing and allowance of claims for fees or other compensation for services rendered during the ten years immediately preceding January 1st, 1923."

J. H. Stewart.

Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing message from the House.

MOTION TO RECONSIDER VOTE.

Mr. Randall moved that the vote by which the Senate just adopted the resolution:

S. J. R. 115. Relative to adjournment of the two Houses until Monday at 2:00 o'clock P. M.

Be reconsidered, which motion prevailed and said vote was reconsidered, and the Secretary was instructed to notify the House to return said resolution S. J. R. 115 to the Senate.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 116. Relative to creating a special joint committee to investigate the several departments of the State Government as to number of employees in each department.

And on motion of Mr. Martin said report was concurred in and said resolution concurred in and adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

In accordance with the request of the Senate the House herewith returns to the Senate, S. J. R. 115 relative to adjournment of the two Houses out of respect to the late President.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

Mr. Powell offered a further amendment to S. J. R. 115 set out in the foregoing message from the House, as follows:

Amend the resolution so as to read:

Tuesday at 2:00 o'clock P. M., on August 14th, 1923."

And the amendment was adopted.

And said resolution as thus amended, was again concurred in and adopted by the Senate.

BILL RETURNED AND RE-REFERRED.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill, and ordered same returned to the Senate with a request that it be re-referred to the Standing Committee on Education, to-wit:

S. 331. To provide for the election of three public school trustees for each elementary public school in the State of Alabama. To prescribe their duties and fix their qualifications.

Pursuant to such request, the President of the Senate re-referred said bill to the Standing Committee on Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 115 relative to the adjournment of the two Houses until Tuesday, August 14th at 2 P. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 52. To provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State Treasury of the sum of Five Hundred Dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such.

With notice and proof attached thereto and exhibited as follows:

NOTICE.

Notice is hereby given that application will be made to the next session of the Legislature of Alabama, which convenes in January, 1923, for the passage of a law in substance as follows, to-wit:

~~A bill to be entitled "An Act to provide for the relief of Ennis Roy Jones, and to authorize the payment to him out of the State Treasury of the sum of Five Hundred Dollars (\$500.00) to compensate him for services rendered the State as a convict, he never having been sentenced to serve as such."~~

Section 1. Whereas Ennis Roy Jones was arrested by the Deputy Sheriff of Jefferson County, Alabama, and was by him delivered on the 1st day of September, 1921, to the Convict Department of the State of Alabama by the name of John Henry Russell, who was an escaped convict from Lowndes County, Alabama, and

~~Whereas the said Ennis Roy Jones was held in the State penitentiary of Alabama from the 1st day of September, 1921, until the 4th day of December, 1921, and caused to serve as a convict.~~

And, whereas the said Ennis Roy Jones was released from said penitentiary because he was not John Henry Russell, as he was supposed to be, and whereas the said Ennis Roy Jones ought in good conscience to have compensation from the State for services rendered by him while so imprisoned;

Now, therefore, Be It Enacted by the Legislature of Alabama, that the sum of Five Hundred Dollars (\$500.00) be, and is hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the purpose of compensating the said Ennis Roy Jones for said false imprisonment, and for his services rendered the State of Alabama while so imprisoned.

Section 2. Be it further enacted, that the State Auditor is hereby authorized to draw his warrant in favor of the said Ennis Roy Jones on the State Treasury, in the sum of Five Hundred Dollars, for his relief, and to compensate him for the false imprisonment and for services rendered.

Ennis Roy Jones.

State of Alabama, }

Colbert County. }

Before me, Aaron Bresler, a Notary Public in and for said State and County, personally appeared John W. Davis, who being by me duly sworn deposes and says that he is the editor and publisher of the Alabamian Dispatch, a newspaper published in Colbert County, Alabama, and that the above and foregoing advertisement did appear in said Alabamian Dispatch for four consecutive weeks, namely, in the issues of December 8th, 1922; December 15th, 1922; December 22nd, 1922, and December 29th, 1922.

John W. Davis.

Sworn to and subscribed before me this, the 29th day of December, 1922.

Aaron Bresler,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 52. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 517. To repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the Town of Brighton, Alabama;" approved September 29, 1919.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of the State of Alabama at its adjourned session to convene on Tuesday, the 10th day of July, 1923, for the passage of a bill and the enactment of a law in substance as follows:

An Act to repeal an Act entitled "An Act to alter, extend or rearrange the boundary lines of the corporate limits of the town of Brighton, Alabama." Approved September 29, 1919.

Be it enacted by the Legislature of Alabama:

Section 1. That that certain act entitled "An Act to alter, extend or rearrange the corporate limits of the Town of Brighton, Alabama." Approved September 29, 1919, be and the same is hereby repealed.

John T. Glover.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who, being duly sworn, deposes and says that he is Editor and Manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; that the advertisement notice attached hereto, was published in the Labor Advocate without cost to the State of Alabama on the following dates: June 23-30, 1923; July 7-14, 1923.

J. H. F. Mosley.

Sworn to and subscribed before me, this 14th day of July, 1923.

Mary Mosley,
Notary Public.

Also:

H. 540. To authorize boards of revenue of counties in Alabama of more than 200,000 population by the last Federal census to make appropriations to county boards of education to be used in furthering vocational education in schools approved by the State Board of Education as centers for instruction in vocational training.

Also:

H. 375. To provide that money, property or any other thing of value may be donated to be held in trust for the benefit of the

elementary schools or school of the State, and to provide for the administration of such trust.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were several-ly read once and referred to appropriate Standing Committees as follows:

H. Nos. 517 and 540. To the Committee on Local Legisla-tion.

H. 375. To the Committee on Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Howard (with notice and proof) :

H. 302. To alter and re-arrange the boundary lines of the City of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

With notice and proof thereto attached and herewith exhibit-ed as follows:

NOTICE.

Notice of the intention to introduce in the Legislature of Alabama and have enacted as a local law a bill to alter and re-arrange the boundary lines of the City of Sylacauga, Alabama.

Notice is hereby given, as provided by Section 106 of the Constitution of 1901, that a bill will be introduced into the Legislature of Alabama at the adjourned meeting of such Legislature to be held on, to-wit, the 10th day of July, 1923, and that the intention to apply for the enactment of such law is hereby given, and such bill shall be substantially as follows, to-wit:

A bill to be entitled an Act to alter and re-arrange the boundary lines of the City of Sylacauga, Alabama, and to describe the area included in such boundary lines and within such city.

Be it enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Sylacauga, in the County of Talladega, State of Alabama, be altered and re-arranged so that the City of Sylacauga shall include in its corporate limits the territory described as follows, to-wit: The Southeast quarter of the Southeast quarter of Section Twenty, Township Twenty-one, Range Four, East, South-west quarter of the Southwest quarter of Section Twenty-one, Township Twenty-one, Range Four, East, West half of the West half of Section Twenty-eight, Township Twenty-one, Range Four, East, and all of Section Twenty-nine, Township Twenty-one, Range Four, East, the Southeast quarter of the Northeast quarter and the East half of the Southeast quarter of Secion 30, Township 21, Range 4, East, the East half of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section 31.

Township 21, Range 4, East, the North half and the North half of the South half of Section 32, Township 21, Range 4, East, the West half of the Northwest quarter, the Northwest quarter of the Northwest quarter of Section 33, Township 21, Range 4, East, provided of such above described territory there is excepted and excluded therefrom the following portion of said Section 29, Township 21, Range 4, East, to-wit:

Beginning at the Northwest corner of said Section 29 and being the Northwest corner of said present corporate limits of the City of Sylacauga and running in a Southeasterly direction along the Northern or Eastern side of the right-of-way of the Central of Georgia Railroad until it reaches the quarter section line which divides the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ and the S W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29, thence in an Easterly direction to the Southeast corner of the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29, thence North along the West side of the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29 to within 250 feet of the North section line of Section 29, thence East 660 feet parallel with the North section line of Section 29, thence North 250 feet to the section line, also all that portion of the N W $\frac{1}{4}$ of the N W $\frac{1}{4}$ of Section 29 lying North and West of the railroad together with all of Blocks 129, 130, and 131, according to the original map and plan of the Marble City Land and Furnace Company of the town of Sylacauga on record in the office of the Judge of Probate in Talladega County, Alabama, in Plat book 1, page 34.

Section 2. This said Act shall take effect from its passage and approval by the Governor.

State of Alabama, }
Talladega County. }

Before me, C. C. Crawford, a Notary Public in and for said State and County, personally appeared W. A. Moody, who being duly sworn according to law deposes and says: That he is the publisher of the Sylacauga Advance, a newspaper published in Talladega County, Alabama, and that he has knowledge of the fact and therefore deposes and says as a fact that there was published in said Sylacauga Advance without cost to the State and in the County where the matter to be affected was situated a notice of the intention to introduce and have enacted a local law to alter and rearrange the boundary lines of the City of Sylacauga, Alabama, a copy of which publication so made is hereto attached and made part of this affidavit, and that said publication in such paper was made once a week for four consecutive weeks prior to this time, the same having been made in the publication of the issues of, to-wit, May 16, 1923, May 23, 1923, May 30, 1923, and June 6, 1923.

W. A. Moody.

Subscribed and sworn to before me this, the 9th day of June, 1923.

(Seal) C. C. Crawford,
Notary Public.

My commission expires January 19, 1927.

Also:

H. 479. To divide Tallapoosa County, Alabama, into five Commissioners' Districts and provide for the election of the Commissioners from each of said districts.

With notice and proof attached thereto and herewith exhibited as follows:

NOTICE.

Notice is hereby given as provided by Section 106 of the Constitution of 1901, of the intention to apply to the Legislature of Alabama at the

adjourned session of such Legislature to be held beginning on the 10th day of July, 1923, for the passage of an Act, the substance of which will be to divide Tallapoosa County, Alabama, into commissioners' districts and to provide for the nomination of a commissioner from each of said districts by the qualified electors of their district only, and such bill shall be substantially as follows:

A bill to be entitled an Act to divide Tallapoosa County, Alabama, into five commissioners' districts and provide for the election of the commissioners from each of said districts.

Be it enacted by the Legislature of Alabama:

Section 1. That Tallapoosa County is hereby divided into five commissioners districts to be known and called commissioners districts 1, 2, 3, 4

and 5. Section 2. That district one in said County shall be composed of and embrace beats 1, 2, and 3. That district two in said County shall be composed of and embrace beats 4, 5, and 17. That district three in said County shall be composed of and embrace beats 7, 8, 9, 10, and 18. That district four in said County shall be composed of and embrace beats 6, 11, 14, 15, and 16. That District five in said County shall be composed of and embrace beats 12 and 13, and only one county commissioner for the County of Tallapoosa shall be elected from each of said commissioners districts.

Section 3. That the county commissioners from each district shall be nominated by the qualified voters of the said district in which they reside, and after their nomination by the qualified electors of their district only, they shall be elected as provided by law by the qualified voters of the entire county.

Section 4. That this act shall not affect the right of tenure of office of the present county commissioners of Tallapoosa County, but said commissioners shall continue to hold and discharge the duties of their office until their successors are elected and qualified under this act.

Section 5. Be it further enacted, that all laws or parts of laws in conflict with this act be, and the same are hereby repealed.

The State of Alabama, }
County of Tallapoosa. }

Before me, J. C. Colvin, a Notary Public in and for said County, in said State, this day personally appeared W. R. Jordan, Editor and Publisher of "The Alexander City Outlook," a newspaper published at Alexander City, in Tallapoosa County, Alabama, and known to me to be such Editor and Publisher of said newspaper, who being by me first duly sworn, deposes and says that the attached notice of the intention to apply to the Legislature of Alabama at the adjourned session of such Legislature to be held, beginning on the 10th day of July, 1923, for the passage of an Act, the substance of which will be to divide Tallapoosa County, Alabama, into five Commissioners' Districts and to provide for the nomination of a Commissioner from each of said districts by the qualified electors of their district only, was published once a week for four consecutive weeks in said newspaper, on to-wit: June 27th, July 4th, July 11th and July 18th, 1923, before the making of this affidavit.

W. R. Jordan,

Editor and Publisher of "The Alexander City Outlook."

Sworn to and subscribed before me this 18th day of July, 1923.

(Seal)

J. C. Colvin,

Notary Public, Tallapoosa County.

Also:

H. 348. To vacate and annul a portion of Railroad Street in the Town of Red Level, Alabama.

With notice and proof attached thereto and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the adjourned session of the Legislature of Alabama to convene in July, 1923, a bill will be introduced to annul, vacate and abolish as a public highway, and to extinguish and annul the dedication thereof, of a strip or portion of Railroad Street in the Town of Red Level, Alabama, described as follows:

Beginning at a point on the West side of the Louisville & Nashville Railroad Company's right-of-way where said right-of-way intersects the North line of Deens Street, said point being nineteen hundred and eighty-nine (1989) feet South of Mile Post five hundred and sixty-eight (568) measured along the center line of main track, thence running in a North-westerly direction with and along the Western boundary line of the said right-of-way three hundred and seven (307) feet, thence in a Southwesterly direction at right angles with the said Western Boundary line of said right of way seventeen (17) feet, thence in a Southeasterly direction parallel with said Western boundary line of said right-of-way three hundred and seven (307) feet, thence seventeen (17) feet in a Northeasterly direction back to the starting point, the said property so described being a strip of Railroad Street seventeen (17) feet wide and three hundred and seven (307) feet long lying adjacent to and North of the intersection of Deens Street and Railroad Street and West of and adjacent to the said Louisville & Nashville Railroad Company's right-of-way in, through and across the Town of Red Level, Alabama.

The State of Alabama, }
Covington County. }

Before me, A. H. Robinson, a Notary Public in and for said State and County, personally appeared Oscar M. Dugger, who is known to me, and who being by me first duly sworn, doth depose and say that he is the editor of The Andalusia Star, a newspaper published at Andalusia, Alabama, in said State and County, and that the notice that a bill will be introduced at the adjourned session of the Legislature of Alabama to convene in July, 1923, to vacate and annul a portion of Railroad Street in the Town of Red Level, Alabama, a true copy of which notice is hereto attached, was published in said The Andalusia Star once a week for four (4) consecutive weeks, said notice appearing in the issues of June 5, 12, 19 and 26, 1923.

Oscar M. Dugger.

Sworn to and subscribed before me on this the 5th day of July, 1923.

A. H. Robinson,
Notary Public.

Also:

H. 516. To vacate, annul, abandon and relinquish all rights of the public in and to that certain highway, roadway or passageway, or part of highway, roadway or passageway, located along or near the southern boundary line of the Southwest quarter of the Southeast quarter of Section Five (5), Township Eighteen (18), South, Range Two (2), West, in Jefferson County, Alabama, described as follows: Commence at or near the Southeast corner of said Southwest quarter of the Southeast quarter of Section Five (5) at the intersection of said highway, roadway

or passageway with the Montevallo Road and extend thence West along or near the southern boundary line of said Southwest Quarter of the Southeast Quarter of Section Five (5) to the Western boundary line, or to an extension thereof to the South, of said Southwest Quarter of the Southeast Quarter of Section Five (5).

With notice and proof attached thereto and herewith exhibited as follows:

To whom it may concern:

~~Notice is hereby given that during the month of July, 1923, the undersigned intend to make application to the Legislature of the State of Alabama to pass a bill to forever vacate, annul, abandon and relinquish all right of the public arising from or by virtue of any dedication, prescription, adverse user or otherwise of that certain highway, roadway, or passageway or part of highway, roadway or passageway located along, or near the southern boundary line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Township 18, South, Range 2, West, in Jefferson County, Alabama, described as follows: Commence at or near the southeast corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ at the intersection thereof with the Montevallo road and extend thence west along or near the Southern boundary line of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the western boundary line (or to a projection thereof to the South) of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ aforesaid.~~

This the 14th day of June, 1923.

I. F. Young.
A. B. Harris.

State of Alabama, }
Jefferson County. }

On this 18th day of July, 1923, personally appeared before me, Wm. M. Spencer, Jr., a Notary Public in and for the county and state aforesaid, J. Walter Webb, who being duly sworn according to law, declares that he is the Advertising Director of the Birmingham Age-Herald, a newspaper published in the City of Birmingham in the County of Jefferson, State of Alabama, and that the advertisement of I. F. Young and A. B. Harris, concerning the vacation and abandonment of a certain road a true copy of which is herewith attached, appeared in the Birmingham Age-Herald on the following dates: June 14th, 21st, 28th, and July 5th, 1923.

Sworn and subscribed to before me, this 18th day of July, 1923.
(Seal) J. Walter Webb.
Wm. M. Spencer, Jr.,
Notary Public.

Also:

H. 511. For the relief of Mrs. Carrie Robbins Norrell and have her name placed on the Confederate Pension Roll.

With notice and proof attached thereto and herewith exhibited as follows:

A BILL.

There will be a bill introduced in the next Legislature for the relief of Mrs. Carrie Robbins Norrell of Coosa County and to place her on the pension roll that she draw as other widows of soldiers.

This December 11, 1922.

State of Alabama, }
Coosa County. }

Before the undersigned authority, personally appeared A. Ayers, who first being duly sworn, deposes and says, that he is editor and publisher of the Rockford Chronicle, a newspaper published weekly in Coosa County, Alabama; that he, as such editor and publisher, did publish in said newspaper for four consecutive weeks, beginning January 11th, 1923, the above attached notice of intention to introduce a bill in the Legislature of Alabama to place on the pension roll Mrs. Carrie Robbins Norrell.

Dated at Rockford, Alabama, and signed by the said A. Ayers, on this July 23rd, 1923.

A. Ayers,
Editor and Publisher of the Rockford Chronicle.
Henry A. Teel,
Notary Public, Coosa County, Alabama.

(Seal)

Also:

H. 382. To authorize the County Board of Education, or other school governing body by whatever name called, in all counties having a population of not less than Eighty Thousand (80,000) and not more than One Hundred and Fifty Thousand (150,000) according to the last Federal census or any succeeding Federal census, to pay pensions to aged and indigent teachers out of the school funds of said counties.

Also:

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

Also:

H. 220. To provide for the care, upkeep, custody and management of the building and grounds opposite the Capitol grounds and known as the first White House of the Confederacy, and to make appropriation therefor.

Also:

H. 463. To amend an Act "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson County."

With notice and proof attached thereto and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION.

Notice is hereby given that application will be made to the Legislature of Alabama, to be convened in January, 1923, for the passage of a local law for Jefferson County, Alabama, in substance as follows:

A bill to be entitled an act to amend an act "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camps of Jefferson County."

Be it enacted by the Legislature of Alabama that an act entitled an Act, "To prescribe and regulate the purchase of supplies for the several county offices, courthouse, jail, almshouse and convict camp of Jefferson County," approved February 16, 1891, be and the same is hereby amended so as to read as follows:

Section 1. That from and after the passage of this act, it shall be the duty of the Board of Revenue of Jefferson County to purchase all the books and stationery required by the Probate Judge, Sheriff, Register in Chancery, Clerks of the Circuit Courts, and other courts that may be created, County Treasurer, Tax Collector, Tax Assessor, Tax Commissioners, the Coroner, Auditor, Superintendent of Education, and Solicitor, for their respective offices and all supplies of any kind or description for the courthouse, jail, almshouse, hospital, convict camp and all other county officers.

Section 2. Be it further enacted, That such supplies shall be furnished upon the written requisition setting forth the articles needed, of the officer for whose office articles are needed, and thereupon said Board of Revenue shall make inquiry and ascertain if the articles are necessary before ordering the same.

Section 3. That said board shall provide for the board and lodging of all juries of any court of record of said county while engaged in the trial of any case.

Section 4. That all school supplies and school stationery shall be paid for by the Board of Education and not otherwise, out of the school fund provided for in an act approved February 7, 1891, entitled, "An Act to provide for the better support and maintenance of the public schools of Jefferson County, Alabama."

Section 5. That all laws and parts of laws in conflict herewith are hereby repealed.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who being duly sworn, deposes and says that he is Editor and manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate on the following dates: January 13-20-27, February 3, 1923.

Sworn to and subscribed before me, this 3rd day of February, 1923.
(Seal)

J. H. F. Mosley.

Mary Mosley,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were several-ly read once and referred to appropriate Standing Committees as follows:

H. Nos. 302, 348, 479, 516 and 463.—To the Committee on Local Legislation.

H. 511. To the Committee on Military.

H. 382. To the Committee on Education.

H. 268. To the Committee on Temperance.

H. 220. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 357. To provide an official court reporter for the Bessemer Division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

With notice and proof attached thereto and herewith exhibited as follows:

NOTICE.

A bill in substance as follows will be introduced and its passage urged at the coming adjourned session of the Legislature of Alabama, which meets in July, 1923:

A BILL

To be entitled an Act to provide an official court reporter for the Bessemer Division of the Circuit Court of Jefferson County, Alabama; to provide assistants for such court reporter; to provide for the appointment and term of office of such court reporter and assistants; to fix the compensation and the manner of the payment thereof; to define the powers and duties thereof; to fix the per diem charges and fees for services rendered thereby, and the manner of taxing and collecting the same; to provide an office, and the equipment and supplies therefor; to prescribe the qualifications thereof, and generally to provide therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of Official Court Reporter of and for the Bessemer Division of the Circuit Court of Jefferson County, Alabama, is hereby created, and it is hereby made the duty of the Circuit Judge of the Tenth Judicial Circuit of Alabama presiding over said division of said court, and said judge is hereby authorized, directed and required to appoint a competent shorthand writer to said office as soon after the approval of this act as is practicable, to perform the duties of official court reporter of said division of said court, said court reporter so appointed to hold office during the term of the judge appointing him; provided, said court reporter may be subject to removal by the judge presiding over said court at any time upon proper charges entered of record for incompetency, misconduct or other good cause, the judge so removing said court reporter specifying such incompetency, misconduct or good cause, and giving such reporter an opportunity before removal of being heard. Such court reporter shall have authority to administer oaths at any place in Jefferson County, Alabama.

Section 2. To be eligible to said office of court reporter of said division of said court the person so appointed shall be able to correctly report in shorthand the testimony and proceedings in all trials as the same may occur, and to neatly and expeditiously transcribe on the typewriter the testimony and proceedings so taken by him, and shall not be related to the judge making the appointment within the fourth degree of consanguinity or affinity; and if an appointment is made of a person not possessing the

qualifications hereinabove stated, or who is within the said prohibited degree of relationship, such appointment shall be void. If there shall be more than one applicant for said office who are otherwise qualified, the one, if such, who resides within the territorial jurisdiction of said division of said court shall receive the appointment. Provided, further, that in any event the court reporter holding such office shall reside during the term of his office within the territorial jurisdiction of said Division of said court.

Section 3. It shall be the duty of such court reporter to attend in person, except as otherwise herein provided, all sessions of said division of said court, and in every case where directed by the judge or requested by a party thereto, he shall take full stenographic notes of the oral testimony and proceedings, except arguments of counsel, and note the order in which ~~all documentary evidence is introduced, all objections of counsel, the rulings of the court thereon, and exceptions taken thereto, and shall attend the investigations of the grand jury of said division of said court, and there take such notes of the testimony as directed by the Solicitor or by the foreman of the grand jury.~~ The original stenographic notes of said court reporter in each case or proceedings officially reported shall be preserved by him and treated as a part of the records of said court, and upon his retirement from office shall be turned over to the clerk of said court. He shall furnish within thirty days or within such other time as the judge may prescribe, to any party to a cause reported by him, upon payment being ~~made for the same, or upon the order of the presiding judge,~~ a transcript of his stenographic notes, or any part thereof, except proceedings before the grand jury, upon payment of a transcript fee of ten cents for each one hundred words thereof, and for each carbon copy made at the same writing five cents for each one hundred words thereof, provided that such court reporter shall not be required to perform any part of such service until the payment or security thereof is assured. In all appeal cases the court reporter shall file with the clerk of said division of said court within thirty days after such appeal one typewritten copy of the court's oral charge delivered to the jury therein, without charge for such copy, and the said court reporter shall also transcribe on the typewriter his notes taken before the grand jury in cases where true bills are found and deliver the same to the Solicitor of said division of said court without charge therefor.

Section 4. Should the official court reporter herein provided for, on account of sickness or other cause, be unable to report the testimony of any trial as provided in this act, the judge presiding over said division of said court shall have authority to appoint a special reporter to serve until said official court reporter can resume his duties, the compensation of such special reporter to be the same and to be paid in the same manner and from the same source as herein provided for the payment of said official court reporter; provided, further, that when the official court reporter provided for in this act is with the grand jury of said division of said court, the judge presiding over said division of said court is authorized, directed and required to provide a special court reporter to perform the duties of said official court reporter during such time; provided, further, that whenever there are more than one circuit judge presiding over said division of said court there shall be provided a court reporter for each judge during such time, and each court reporter so provided shall during such time perform the same duties and have the same powers and authority, and receive the same compensation, and from the same source, that are given to and received by the said official court reporter.

Section 5. That whenever the judge presiding over said division of said court, or the solicitor thereof, shall direct, said court reporter shall attend any hearing in which the State is interested and over which said

judge or solicitor has jurisdiction and report the same, as in other cases in this act provided for. In such cases or proceedings, as well as in all proceedings or cases reported by such court reporter the said judge or solicitor, when deemed necessary, may order the stenographic notes of such proceedings or case transcribed on the typewriter and copies thereof furnished to said judge or solicitor, one or both, as may be directed, for which transcript the reporter shall be paid at the same rate as in this act provided for other transcripts, same to be paid out of the general fund in the county treasury of said county on certificate in favor of said court reporter drawn by the said judge of said division of the said court.

Section 6. That in all cases reported by said official court reporter or by a special court reporter as provided for in this act, there shall be taxed as a part of the costs of the case a fee of five dollars for each day or fraction thereof that such reporter shall be engaged in reporting such case, the same to be collected as other costs in the case, and when collected shall be paid by the clerk of the said division of said court into the county treasury of said county.

Section 7. That such official court reporter shall receive a salary of \$2400.00 per annum, payable in equal monthly installments, such payments to be made on certificate issued by the judge presiding over said division of said court in favor of such official court reporter, the same to be paid by the treasurer of the county out of the general fund thereof on presentation of said certificate in the same manner as jurors are now paid; provided further, that each special court reporter provided for herein shall be paid in the same manner and out of the same fund.

Section 8. That the Board of Revenue of Jefferson County, Alabama, are hereby authorized, directed and required to provide for said court reporter at the county court house at Bessemer a convenient and suitable office, and to properly equip the same with desk, filing cases, typewriters, stationery, paper and other things necessary for a court reporter to have in the discharge of his official duties hereunder, at the expense of said county, the same to be furnished in the same manner as the supplies of other officers of this county are furnished.

Section 9. That before any official court reporter or special court reporter provided for in this act shall enter upon the duties of his office, he must subscribe to an oath to support the Constitution and laws of the State of Alabama, and faithfully perform all of the duties of such office.

Section 10. That if any paragraph, section, clause or provision of this act shall be held or declared to be invalid or unconstitutional, the same shall not effect or render invalid any other paragraph, section, clause or provision which is not within itself unconstitutional or invalid.

Section 11. That all laws and parts of laws in conflict with the provisions of this act, whether local, general or special, are hereby expressly repealed.

Section 12. That this act shall become effective immediately upon its passage.

This 13th day of June 1923.

Wm. K. Schanz.

State of Alabama, }
Jefferson County. }

Before me, Arthur Green, a Notary Public in and for said County and State, personally appeared Howe Price, the editor of the Bessemer Advertiser, who being by me first duly sworn, deposes and says, that the foregoing attached notice was published in the Bessemer Advertiser, a weekly newspaper of general circulation published at Bessemer, Jefferson County, Alabama, for four consecutive weeks, that is, on June 14th, June 21st,

June 28th and July 5th, 1923, and that he is the editor of said newspaper, and that said notice was published without cost to the State.

Howe Price.

Sworn and subscribed to before me this 9th day of June, 1923.
(Seal)

Arthur Green,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 357. To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 402. To provide for the payment of an expense account for the solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

With notice and proof attached thereto and herewith exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Fayette County. }

Before me, a Notary Public in and for said County and State, personally appeared Turner A. Wilson, publisher of the Fayette Banner, a weekly newspaper, published at Fayette, Fayette County, Alabama, who being duly sworn says that the notice, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, June 7th, June 14th, June 21st, and June 28th, 1923.

Turner A. Wilson,
Publisher.

Sworn to and subscribed before me, this the 29th day of June, 1923.

Jas. D. Dickson,
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Marion County. }

Before me, a Notary Public in and for said County and State, personally appeared Plato R. Johnson, publisher of the Marion County News, a weekly newspaper published at Hamilton, Marion County, Ala., who being duly sworn says that the notice, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, June 7th, June 14th, June 21st, and June 28th, 1923.

Plato R. Johnson,
Publisher.

Sworn to and subscribed before me, this the 29th day of June 1923.

Roy Sanderson,
Clerk Circuit Court.

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the ~~Solicitor of the Fourteenth Judicial Circuit of Alabama~~, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Lamar County. }

Before me, a notary public in and for said County and State, personally appeared Flavius McDougal, publisher of the Lamar Democrat, a weekly newspaper, published at Vernon, Lamar County, Alabama, who being duly sworn says that the notice, a copy of which is hereto attached was published in said newspaper for four consecutive weeks, namely, June 6th, June 13th, June 20th, and June 27th, 1923.

Flavius McDougal,
Publisher.

Sworn to and subscribed before me, this the 3rd day of July, 1923.

O. E. Young,
Notary Public.

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each

county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Walker County. }

Before me, Judge of Probate in and for said County and State, personally appeared L. S. Richardson, publisher of the Mountain Eagle, a weekly newspaper published at Jasper, Walker County, Alabama, who being duly sworn says that the notice, copy of which is hereto attached, was published in said newspaper for four consecutive weeks, namely, June 6th, June 13th, June 20th, and June 27th, 1923.

L. S. Richardson,
Publisher.

Sworn to and subscribed before me, this the 27th day of June, 1923.

E. W. Long,
Judge of Probate.

(Seal)

NOTICE.

Notice is hereby given that a bill will be introduced in the present or approaching term of the Legislature of Alabama to provide for an expense account for the Solicitor of the Fourteenth Judicial Circuit, which bill will be in words and figures, substantially as follows:

An Act to provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense account shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit.

Be it enacted by the Legislature of Alabama as follows:

1. That the Solicitor of the Fourteenth Judicial Circuit of Alabama, in addition to his salary, shall receive for his expenses the sum of Twelve Hundred Dollars (\$1200) per annum; that said sum shall be paid out of the county treasuries of the counties constituting said circuit; that each county of said circuit shall pay out of the General Funds its pro rata of said amount based upon the assessed taxed valuation of all property of such counties for the preceding year, and shall be payable in twelve equal monthly installments upon the warrants of the presidents of the Boards of Revenue or County Commissioners of such counties constituting said circuit.

2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

3. That this act shall go into effect immediately upon its approval by the Governor.

B. G. Wilson.

State of Alabama, }
Winston County. }

Before me, a Notary Public in and for said County and State, personally appeared J. M. Bankston, publisher of the Haleyville Journal, a weekly newspaper, published at Haleyville, Winston County, Alabama, who being duly sworn says that the notice, a copy of which is hereto attached,

was published in said newspaper for four consecutive weeks, namely June 7th June 14th, June 21st, and June 28th, 1923.

J. M. Bankston,
Publisher.

Sworn to and subscribed before me, this the 28th day of June, 1923.
(Seal)

B. J. Cowart, Jr.,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

~~The House bill in the foregoing House message was read once~~
and referred to appropriate Standing Committee as follows:

H. 402. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

~~H. 407. To establish an inferior statutory court to be called~~
the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation; to provide for the jurisdiction, practice and procedure of said court; to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given by the undersigned of the intention to apply to the Legislature of Alabama at its adjourned session, which convenes on the 10th day of July, 1923, for the passage and enactment of a bill which is substantially as follows:

An Act to establish an inferior statutory court to be called the Birmingham Court of Common Claims; to provide for the judges, clerks, and other officers, their appointment, duties, and compensation; to provide for the transfer of causes from said court to the circuit court; and to provide for appeals from said court to the circuit court, and the procedure in the circuit court on appeal or transfer of said causes.

Be it enacted by the Legislature of Alabama:

1. That there is hereby established in and for Jefferson county, except that part of Jefferson county herein particularly described, an inferior court of law which shall be called the Birmingham Court of Common Claims.

2. This court shall have and exercise concurrently with all other courts having like jurisdiction in said county, for and in all of Jefferson county, except territory hereinafter excluded and defined, all the jurisdiction and power which now are, or which hereafter may be by law con-

ferred upon the circuit court of this state, in actions at law, where the amount involved does not exceed five hundred dollars.

3. The jurisdiction of this court will not extend over that portion of Jefferson county which is included in the following precincts, to-wit: William's Precinct No. 1, Jonesboro Precinct No. 2, Parsons' Precinct No. 3, Aaron's Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7; Meak's Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwin's Precinct No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53, and Brighton Precinct No. 55.

4. This court shall have no jurisdiction of criminal offenses and no jurisdiction in equity, and no jurisdiction of suits in ejectment.

5. This court shall have authority:

(1) To exercise original jurisdiction of all suits and actions at law, including libel, slander, assault and battery, when the matter or sum in controversy does not exceed five hundred dollars.

(2) To punish contempt by fines not exceeding fifty dollars, and by imprisonment, not exceeding five days.

(3) To prescribe rules and regulations as to pleading and practice as to the time of filing and settling pleading, and to make any necessary orders, rules, and regulations for the dispatch of the business of the court, not contrary to the constitution and statutes of this state, or to the rules adopted by the supreme court, or the circuit court.

6. The judges of this court shall not have authority to grant writs of certiorari, supersedeas, quo warranto, mandamus, nor writs of injunction or ne exeat.

7. Such judges and court have authority to grant writs of attachment and garnishment.

8. Such court shall have jurisdiction over cases under the Workmen's Compensation Act when the matter or sum in controversy does not exceed five hundred dollars.

9. There shall be two divisions of this court, to be known respectively as the first and second division, and there shall be a judge for each division. The judges of the municipal court of Birmingham shall be ex-officio judges of this court. The judge of the first division of the municipal court of Birmingham shall be ex-officio judge of the first division of this court, and the judge of the third division of the municipal court of Birmingham shall be the judge of the second division of this court.

10. That each of said ex-officio judges of the Birmingham Court of Common Claims shall receive as compensation for his services as such ex-officio judge of this court, the sum of \$1,800 per annum, payable in equal monthly installments of \$150 each, out of the county treasury, of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as judge of his respective division of the municipal court of Birmingham.

11. The clerk of the first division of the municipal court of Birmingham shall be ex-officio clerk of the first division of this court, and shall receive as compensation for his services as such ex-officio clerk of this court the sum of \$600 per annum, payable in equal monthly installments of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as clerk of the first division of the municipal court of Birmingham.

12. The clerk of the third division of the municipal court of Birmingham shall be ex-officio clerk of the second division of this court, and shall receive as compensation for his services as such ex-officio clerk of this court the sum of \$600 per annum, payable in equal monthly installments

of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as clerk of the second division of the municipal court of Birmingham.

13. The assistant clerk of the first division of the municipal court of Birmingham shall be ex-officio assistant clerk of the first division of this court, and shall receive as compensation for his or her services as such ex-officio assistant clerk the sum of \$600 per annum, payable in equal monthly installments of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his or her warrant drawn upon the county treasurer, which shall be in addition to his or her salary received for his or her services as assistant clerk of the first division of the municipal court of Birmingham.

~~The assistant clerk of the third division of the municipal court of Birmingham shall be ex-officio assistant clerk of the second division of this court, and shall receive as compensation for his or her services as such ex-officio assistant clerk of this court, the sum of \$600 per annum payable in equal monthly installments, of \$50 each, out of the county treasury of Jefferson county, Alabama, upon his or her warrant drawn upon the county treasurer, which shall be in addition to his or her salary received for his or her services as assistant clerk of the third division of the municipal court of Birmingham.~~

~~That if the business of the court justifies it, the judges may each appoint an additional assistant clerk of this court who shall each receive a salary of \$1,800 per annum, payable in equal monthly installments of \$150 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer.~~

14. Each ex-officio clerk of this court shall give bond in the penal sum of \$2,500, payable to the state of Alabama, and condition to faithfully discharge the duties of such office, which bond shall be approved by, and filed in the office of, the judge of probate of Jefferson county, Alabama, and which bond shall also be conditioned to pay all moneys to the proper officers and persons to whom it is payable, and to faithfully account for all moneys coming into his hands, by virtue of his office, and upon the said bond there shall be the same liabilities and remedies as upon a bond of a clerk of the circuit court.

15. The bailiffs of the first and third division of the municipal court of Birmingham shall be ex-officio bailiffs of this court, and shall attend upon said court and discharge such duties as may be required of them by the judge. Each said ex-officio bailiff of this court shall receive as compensation for his services as such ex-officio bailiff of this court, the sum of \$480 per annum, payable in equal monthly installments of \$40 each, out of the county treasury of Jefferson county, Alabama, upon his warrant drawn upon the county treasurer, which shall be in addition to his salary received for his services as bailiff of the municipal court of Birmingham.

16. The constables of precincts 37 and 21 of Jefferson county, Alabama, shall be ex-officio officers of this court, and shall be required to attend its hearings and may serve any of its processes and writs by himself or his duly appointed deputies in any part of the territory over which this court shall have jurisdiction and shall receive for such services the same fees as provided by law for like services by the sheriff of Jefferson county. The said constables as to any or all writs or processes of this court shall have all the power and authority conferred by law upon sheriffs of Jefferson county.

17. The judge of each division shall conduct the business in his court and issue its writs, as if each division were a separate court, but each judge may sit and hold court in any other divisions, and each judge may transfer causes from his division to another division of this court which causes so

transferred shall proceed as if the same had originated in the division to which such cause was transferred.

18. The practice, procedure, judgments, and records in this court shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts, so far as applicable, and except as otherwise provided in this act, and shall conform and be governed as far as practicable by the practice and procedure in the municipal court of Birmingham.

19. Every intendment is in favor of the sufficiency and validity of proceedings in this court when brought in question, either directly, or collaterally, in any of the courts of the state where it appears on the face of the proceedings that this court had jurisdiction of the subject matter and of the parties.

20. The clerk of each division shall issue all processes out of said court returnable to his division; the clerk shall approve all bonds, and shall keep a docket of his division of the said court, and shall certify all transfers of causes, and all appeals.

21. All judgments required to be signed, shall be signed by one of the judges. A judgment shall not be required to be more formal than a judgment rendered in a court of a justice of the peace, and shall be governed by the same laws as a judgment in the court of a justice of the peace.

22. The fees and costs that are now allowed by law in cases in the circuit court of Jefferson county, except the library tax shall be taxed and collected as now provided by law in the circuit court, or as may hereafter be provided in such cases, and shall by the clerk of each division be paid into the county treasury.

23. In all cases commenced in this court by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint on a certain day to be fixed by the clerk, but shall not be tried less than seven days after the service of the summons and complaint upon him; and in all cases at law commenced by attachment, the defendant shall appear and demur or plead seven days after the levying of the attachment and service of notice thereof, or in case the suit is against a non-resident, or other person upon whom service may be had by publication, within seven days after service is perfected by publication, and publication shall be once a week for three consecutive weeks in some newspaper published in Jefferson county, Alabama; and in all other cases at law, the defendant must appear and plead or demur at the time designated by the clerk in the summons, not less than seven days after service of summons and complaint upon him; and in all cases whether commenced by summons and complaint, attachment, or otherwise, any defendant failing within the time provided herein to appear and demur or plead, shall be held in default, and at any time thereafter judgment by default, on motion of plaintiff, may be rendered against him, provided, however, that the court may for good cause shown allow such judgment so obtained by default to be set aside and demurrer or plea be filed on such terms as the court may think just, provided that said motion is filed within the time provided for such motions, or continued while the same is within the breast of the court, as required by law.

26. The plaintiff electing to bring suit in this court shall endorse upon his complaint that he waives a trial by jury, and his election to file his suit in this court shall be deemed as a matter of law as his waiver of his right to have such cause tried by a jury.

27. That in all cases filed in this court the issues and questions of fact shall be tried by the court, without the intervention of a jury, unless a jury be demanded by the defendant at the time he appears, or by any other person interested in such issue, or question, at the time he appears, such demand must be made by such person that intervenes upon the pleading or

paper filed by him for the purpose of presenting such issue or question of fact, and by the defendant, or other party occupying the position of defendant, including the garnishee, by making a formal written demand upon the demurrer, plea, or other pleading filed by him, that he demands a trial by jury, and such demand must be in writing, signed by the party, or his attorney, and filed with the clerk of the court at the time of his appearance and not later than the return day of the process.

28. When a defendant, or other party occupying the position of defendant, or other party entitled thereto, shall have demanded a trial by jury in the manner and within the time provided, the clerk of this court shall transfer all the papers in said cause to the clerk of the circuit court of Jefferson county, and the said cause shall there proceed as if said cause had originated in said circuit court, ~~except as otherwise provided in this act.~~

29. It shall be the duty of the presiding judge of the circuit court, or the judge acting as presiding judge, to cause such cases so transferred to be promptly set and promptly tried; that upon the trial of said cases in the circuit court, whether the said cause be transferred thereto, or appealed thereto, as hereinafter provided, the court shall be liberal in the allowance of amendments as to parties, form, or cause of action, or statement of the cause of action, * * * or reach the merits; and upon such trial in the circuit court, the defendant shall be entitled to prove under the general issue any ~~matter of defense as if specially plead, and the plaintiff may introduce in evidence by way of reply, any evidence as if well plead, by way of replication;~~ that upon the trial of such cause in the circuit court, the plaintiff shall make orally a brief and succinct statement of his case, and the defendant, of his defense and the plaintiff of his reply or answer to such defense.

28. That the term of this court shall commence on the first day of January of each year, and end on the 31st day of December of each year, that final judgments rendered by said court shall after the expiration of ten days from their rendition, be taken and deemed as completely beyond the control of the court, as if the term of said court at which said judgment is rendered had ended at the end of said ten days, provided, however, that nothing herein contained shall prevent the parties from applying for new trials, or rehearing within said ten days, or prevent the court within said ten days from continuing said motion for a rehearing, to some other time.

29. Unless otherwise ordered by the court, all garnishments issued by said court shall require an answer thereto within seven days after the service thereof; and upon the failure of any garnishee to make answer within such seven days, he shall be deemed in default and a judgment nisi may be rendered against him on motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi; unless otherwise ordered by the court, all citations, rules, scire facias, and notices issued by this court shall require the party against whom they are issued to appear and plead within seven days after service thereof, or if the citations or notices are to be given by publication, within seven days after the perfection of such publication.

30. Any party may appeal from any judgment rendered against him by this court, to the circuit court, or court of like jurisdiction, within seven days after the rendition thereof.

31. No cause can be appealed from this court to the circuit court, or other court of like jurisdiction, by appeal or certiorari unless the party applying for such appeal first executes a bond with sufficient sureties, payable to the adverse party, with condition to pay such judgment as may be rendered against him by the court, to which the cause is sought to be removed; and no cause can be removed from this court by certiorari after four months from the rendition of the judgment.

32. If such appeal or certiorari is applied for by a defendant, claimant, garnishee, or any other party against whom a judgment for the payment of money has been rendered such bond shall be in double the amount of the judgment rendered against him, including the costs; in all other causes, in such amount as may be prescribed by the judge of this court.

33. When an appeal is taken, the clerk must return promptly all the original papers of the cause, together with a statement signed by him of the case and the judgment rendered by the court to the clerk of the court to which the appeal was taken.

34. The clerk must also issue a notice to the appellee that such appeal has been taken which must be executed by personal service on him, his agent or attorney five days before the return term of the appeal, and must be returned promptly by the constable or other officer to the clerk of the court to which the appeal was taken, but in lieu of notice by personal service to the appellee, or his agent or attorney, the clerk may send said notice by registered mail addressed to the appellee, his agent or attorney, with demand for a return receipt, and such return receipt, signed by the appellee, his agent or attorney, shall be proof of said notice.

35. If the appellee after the appeal is taken moves out of the county, or absconds, or secretes himself so that notice cannot be served on him, it shall be the duty of the constable to execute such notice by leaving a copy at the residence, or late residence of the appellee, and by posting the same in front of the courthouse door of the county of Jefferson, and return the facts to the clerk of the court to which the appeal was taken on or before the second day of the term.

36. That in all causes removed from this court to the circuit court by appeal, the issues and questions of fact shall be tried by the circuit court without the intervention of a jury.

37. That any party to a cause in this court, or upon the trial of any cause in the circuit court, of a cause appealed or transferred from this court, may deposit with the clerk of this court, or the circuit court, as the case may be, the necessary postage with the names and addresses of the witnesses, and it shall thereupon be the duty of the clerk of this court, or of the circuit court, as the case may be, to summons said witnesses, by addressing a letter to them, at such addresses, duly registered, with demand for return receipts, and such return receipt shall be proof of the service of said summons upon such witness, and any such witness being so served and failing to appear, shall be in contempt of the court, and may be attached and punished as provided by law as to parties guilty of contempt, and may also be imprisoned.

38. When the business of this court is such as to require it, the judges of this court, or either of them, with the consent of the presiding judge of the circuit court, may order the clerk of this court to transfer causes from this court to the circuit court, and it shall thereupon be the duty of the clerk of the circuit court to receive and docket said causes, and said causes shall thereupon proceed in said circuit court as if originally brought therein.

39. The presiding judge of the circuit court or the judge acting as such may require any of the judges of this court to sit in the circuit court upon the trial of causes transferred or appealed from this court to the circuit court, and the judge of this court so sitting shall in the trial of such causes have all the power and authority of the judge of the circuit court, provided, however, that no judge of this court shall preside and hear a cause on appeal which said judge tried in this court.

40. That judgments of this court may be recorded as provided by sections 4156, 4157, 4158, and 4159 of the Code of Alabama, and said pro-

visions of the code and said laws shall be applicable to judgments and proceedings in this court.

41. That upon appeal from the circuit court from any cause appealed or transferred to the circuit court from this court, in lieu of bill of exceptions, the appellant may file a transcript of the stenographic report of the trial certified by the trial judge that it is a true and correct transcript of the proceedings, and said transcript shall be treated by the supreme court as if it were the bill of exceptions, or as may hereafter be provided by law for recording judgments in the circuit court.

42. All witnesses shall receive the mileage and per diem for attendance on this court, as provided by law for witnesses in the circuit court.

~~43. That the board of revenue of Jefferson county shall provide a place for the holding of said court and shall furnish all the necessary stationery, papers, and all other things provided for the circuit court of Jefferson county that may be necessary for the operation and maintenance of this court.~~

44. The sheriff of Jefferson county shall execute such processes and writs of this court as this court may require of him and make return thereof.

45. That all laws or parts of laws, general or special, in conflict with the provisions of this act, shall be, and the same are hereby repealed.

~~46. That if any section or provisions of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision, which is not in and of itself void or unconstitutional.~~

47. The law applicable to the levying of executions issued by justices of the peace shall apply to the issuing and levying of executions in this court, so far as applicable. If the defendant has no personal property known to the constable or levying officer, or if it is insufficient to satisfy the execution, he must endorse the fact upon the execution, and he may then levy on land of the defendant subject to execution, describing it in his levy and making return thereof to this court, and the clerk of this court shall thereupon immediately transmit all the papers in the cause to the circuit court. Thereupon said case and levy shall proceed as is provided in sections 4682, 4683 and 4684 of the code of Alabama, or such laws as may hereafter be enacted governing the levy and sale of lands under a writ issued by a justice of the peace.

Thos. J. Lea.

State of Alabama, }
Jefferson County. }

Before the undersigned Notary Public in and for said County, in said State, personally appeared George M. Howle, who being known to me, and who being duly and regularly sworn, deposes and says that he is the editor and publisher of The Weekly Call, a newspaper of general circulation, published at Birmingham, Jefferson County, Alabama, published weekly; that the notice and proposed law, a copy of which is hereto attached, was published once a week for four consecutive weeks in The Weekly Call, as follows: June 16th, June 23rd and June 30th, and July 7th, 1923; that the notice of the intention to apply to the Legislature of Alabama, which convenes an adjourned session on July 10th, 1923, for the passage of the said proposed law, together with the said proposed law, a copy of which said proposed law and said notice are attached hereto, are in the exact words and figures as were published in the said The Weekly Call on the dates hereinabove stated; that said notices of the proposed law have been published and

have appeared regularly in four weekly issues of the said The Weekly Call on the said June 16th, June 23rd, June 30th and July 7th, 1923.

Subscribed and sworn to before me, this 12th day of July, 1923.
Geo. M. Howle.
Herbert J. Ward,
Notary Public.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 407. To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

And ordered same sent herewith to the Senate without engrossment.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 472. To the Committee on Mining and Manufactories.

CALENDAR BILL.

On motion of Mr. Teasley, the further consideration of the bill:

S. 301. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the

creation and maintenance of said commission form of government.

Was postponed until the next Legislative Day.

BILLS ON THIRD READING.

The bill:

S. 332. To establish a board of revenue for the county of Winston to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; ~~and to confer on said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioners' court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board and prescribing their terms of office; providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the court of county commissioners of said county.~~

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Inzer	Overton
Bonner	Foster	Johnson	Pelham
Brower	Griffith	Jones (Barbour)	Powell
Caffey	Harlan	Jones (Conecuh)	Randall
Carlton	Hildreth	Martin	Slone
Carmichael	Horton	McNeil	Tunstall
Craft	Hudgens	Oliver	Waddell
Duncan	Hutson		

—30

Nays:—None.

The bill:

H. 410. To provide for the election of the county superintendent of education of and for Conecuh county, Alabama, by the qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Was taken up.

Mr. Jones of Conecuh offered the following amendment to said bill, to-wit:

Amend Section two of House Bill No. 410 by striking out the words: "Twenty-four hundred dollars (\$2400.00) per year" where they appear in said section two, and insert in lieu thereof

the following: "Fifteen Hundred Dollars (\$1500.00) per year nor more than Three Thousand Dollars (\$3000.00) per year."

Which was adopted.

Yeas, 25; nays, 7.

Yeas:

Messrs:

Adams	Garth	Hudgens	Oliver
Bonner	Griffith	Hutson	Overton
Brower	Harlan	Johnson	Pelham
Caffey	Hildreth	Jones (Barbour)	Slone
Carlton	Horton	Jones (Conecuh)	Teasley
Carmichael	Howle	Martin	Tunstall
Craft			

—25

Nays:

Messrs:

Brooks	Ellis	Inzer	Powell
Duncan	Foster	McNeil	

—7

Mr. Inzer offered the following amendment to said bill, to-wit:

Amend section one of said bill by striking all that part of said section after the word "qualified," in the 13th line thereof and inserting in lieu thereof the following: That said County Superintendent of Education shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State in the conduct of the office of County Superintendent of Education. No person shall be eligible for political party nomination or for election to the office of County Superintendent of Education of said county who does not as now required hold an Alabama certificate in Administration and Supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of college grade and proof of three years of successful teaching experience; provided that, if no person meeting these requirements qualifies for nomination and election as provided in this Act, the County Board of Education shall appoint a county superintendent of education as provided by the general law regulating the appointment of superintendents.

Which was adopted.

Yeas, 24; nays, 2.

Yeas:

Messrs:

Adams	Carmichael	Horton	Oliver
Bonner	Craft	Howle	Overton
Brooks	Duncan	Inzer	Pelham
Brower	Ellis	Jones (Conecuh)	Powell
Caffey	Harlan	Martin	Tunstall
Carlton	Hildreth	McNeil	Waddell

Nays: Messrs. Griffith and Johnson—2.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 2.

Yeas:

Messrs:

Adams	Craft	Hutson	McNeil
Bonner	Ellis	Inzer	Oliver
Brooks	Griffith	Johnson	Pelham
Brower	Harlan	Jones (Barbour)	Slone
Caffey	Hildreth	Jones (Conecuh)	Teasley
Chilton	Howle	Martin	Tunstall
Carmichael	Hudgens		

—26

Nays: Messrs. Duncan and Waddell—2.

The bill:

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, ~~alleys, roads and ways over or across that certain tract of land~~ in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Brooks	Garth	Hudgens	McNeil
Brower	Griffith	Hutson	Oliver
Caffey	Harlan	Inzer	Pelham
Carmichael	Hildreth	Johnson	Slone
Craft	Horton	Jones (Conecuh)	Tunstall
Ellis	Howle	Martin	

—23

Nays:—None.

The bill:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

Was taken up.

The following amendment offered by the Committee on Local Legislation, to-wit:

Amend Section 3 as follows: By adding thereto the following: Provided that all vacancies in the office of County Treasurer shall be filled by appointment of the Governor.

Was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Howle	McNeil
Brooks	Ellis	Hudgens	Oliver
Brower	Garth	Inzer	Overton
Caffey	Griffith	Jones (Barbour)	Pelham
Carlton	Harlan	Jones (Concuh)	Powell
Carmichael	Hildreth	Martin	Slone
Craft			

—25

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Howle	McNeil
Brooks	Ellis	Hudgens	Oliver
Brower	Garth	Hutson	Overton
Caffey	Griffith	Inzer	Pelham
Carlton	Harlan	Johnson	Randall
Carmichael	Hildreth	Jones (Barbour)	Slone
Craft	Horton	Martin	Tunstall

—28

Nays:—None.

SPECIAL ORDER SET.

On motion of Mr. Ellis, the bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Was made a Special Order immediately after the regular order of business on the next Legislative Day.

INDEFINITE POSTPONEMENT OF BILLS.

On motion of Mr. Craft, the further consideration of the bill:

S. 240. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of

the county treasuries of the counties constituting the respective circuits.

Was indefinitely postponed by the Senate.

On motion of Mr. Johnson, the further consideration of the bill:

S. 154. To further regulate the jury system of Alabama; by conferring and imposing the powers and duties of the jury commissions of the several counties upon the commissioners court or board of revenue of the respective counties; by abolishing all jury commissions; and by further compensating the members of certain commissioners courts and boards of revenue for discharging the duties imposed by this Act.

Was indefinitely postponed by the Senate.

On motion of Mr. Howle, the further consideration of the bill:

S. 224. To provide for the election, term of office and qualifications of County Superintendents of Education.

Was indefinitely postponed by the Senate.

On motion of Mr. Hutson, the further consideration of the bill:

S. 267. To prohibit any bank or trust company doing a banking business in this State from making any voluntary contributions to any cause or for any purpose whatsoever.

Was indefinitely postponed by the Senate.

On motion of Mr. Horton, the further consideration of the bill:

H. 77. To amend Section 6958 of the Criminal Code of Alabama, 1907.

Was indefinitely postponed by the Senate.

On motion of Mr. McNeil, the further consideration of the bill:

H. 14. To provide for the election of County Superintendents of Education in each of the several counties of the State of Alabama, by the qualified electors of such county, to prescribe his or her qualifications and duties and to provide for the salary and compensations of such officer and to provide for the election of a County Superintendent of Education by the County Board of Education in each of the several counties of this State, prior to the general election of 1924, and to fix his qualifications and salary.

Was indefinitely postponed by the Senate.

On motion of Mr. Brower, the further consideration of the bill:

S. 176. To alter or rearrange the boundary lines of the city of Birmingham, Alabama.

Was indefinitely postponed by the Senate.

On motion of Mr. Martin, the further consideration of the bill:

H. 104. To require instruction in the public schools in this State in regards to the humane protection of animals.

Was indefinitely postponed by the Senate.

On motion of Mr. Hildreth, the further consideration of the bill:

H. 46. To amend Sections 3615 and 3622 of the Code of 1907.

Was indefinitely postponed by the Senate.

NOTICE OF MOTIONS TO TAKE FROM ADVERSE CALENDAR.

Mr. Jones of Barbour gave to the Senate the following notice in writing:

Notice is hereby given that on the next Legislative Day a motion will be made to take Senate bill No. 189 from the Adverse Calendar.

G. E. Jones,
Senator, 24th District.

Mr. Griffith gave to the Senate the following notice in writing:

Notice is hereby given as required by Senate Rule 48 that a motion will be made on the next Legislative Day to take from the Adverse Calendar Senate bill No. 229, after the call of Standing Committees, and move the second reading of said bill.

A. A. Griffith.

ADJOURNMENT.

At 12:25 P. M., on motion of Mr. Adams and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday afternoon at 2:00 o'clock.

THIRTY-FIRST DAY.

Tuesday, August 14th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Frank Willis Barnett of Birmingham.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Craft

Duncan

Ellis

Foster

Garth

Griffith

Harlan
Hildreth
Horton
Howle
Hudgens
Hutson

Inzer
Johnson
Jones (Barbour)
Jones (Concuh)
Martin
Middleton

McNeil
Oliver
Overton
Pelham
Powell

Randall
Slone
Teasley
Tunstall
Waddell

—34

JOURNAL.

On motion of Mr. Waddell, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hutson (with notice and proof):

S. 355. To amend Section 1 of an Act entitled: "An Act to establish a new charter for the Town of Hartselle, in Morgan County." approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that there will be introduced at the next Legislature of Alabama, immediately after publication of this notice, and the Legislature will be urged to enact a bill substantially as follows:

AN ACT

To amend Sec. 1 of an Act entitled: 'An Act to establish a new charter for the town of Hartselle, in Morgan county,' approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907.

Be it enacted by the Legislature of Alabama: That Sec. 1 of an Act entitled: "An Act to establish a new charter for the town of Hartselle, in Morgan county," approved February 18th, 1899, and as amended by an Act approved August 2nd, 1907, be amended so as to read as follows:

Sec. 1. Be it enacted by the Legislature of Alabama: That the town of Hartselle be and the same is hereby incorporated, and the corporate lines of said town shall be as follows: Beginning in the center of the N. E. $\frac{1}{4}$ and at the northeast corner of the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$, Sec. 11, Tp. 7, R. 4 west, and running west one and one-half miles to the center of the N. W. $\frac{1}{4}$ which is the northwest corner of the S. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$, Sec. 10, Tp. 7, R. 4 west, thence south one and one-half miles to the center of the S. W. $\frac{1}{4}$, which is the southwest corner of the N. E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$, Sec. 15, Tp. 7, R. 4 west, thence east one and one-half miles to the center of the S. E. $\frac{1}{4}$ which is the southeast corner of the N. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$, Sec. 14, Tp. 7, R. 4 west, thence north one and one-half miles to the point of beginning, and being one and one-half miles square, with the southeast corner of Sec. 10, the southwest corner of Sec. 11, the northwest corner of

Sec. 14, and the northeast corner of Sec. 15, Tp. 7, R. 4 west, in Morgan county, Alabama, as the center of said square area.

Dated this 3rd day of July, 1923.

J. F. Stewart, Mayor.

State of Alabama, }
Morgan County. }

Before me, the undersigned authority, personally appeared D. K. Wiggins, who being first duly sworn, deposes and says:

That he is the publisher of the Hartselle Enterprise, which is a weekly newspaper published at Hartselle, in Morgan county, Alabama, and of general circulation in said county; that the attached notice was published in said Hartselle Enterprise in its regular issues of dates July 5th, July 12th, July 19th, July 26th, and August 2nd, 1923:

D. K. Wiggins.

Subscribed and sworn to before me, this August 6th, 1923.

Italyne Hardwick,
Notary Public.

(Seal)

By Mr. Garth (with notice and proof) :

S. 356. To amend the caption of an Act entitled "An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said board of county commissioners, fixing their compensation; conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or authority in this State; authorizing the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners;" approved February 3rd, 1923, so that the caption of said Act will read as follows:

"An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said County, and abolishing said Board of Revenue of Madison County; to divide said County of Madison into Five Districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges and ferries of Madison County to impose a

tax on gasoline, Woco-Pep or other substitute therefor, sold in the county, not to exceed three cents per gallon and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a Clerk, and a Supervisor of Public Roads; providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners;" and to amend said Act by adding Section 12½ as follows:

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given as required by section 106 of the Constitution of Alabama that a bill be introduced at the adjourned session of the Legislature of Alabama to begin July 10, 1923, to amend the caption of that certain Act approved February 3rd, 1923, and entitled: An Act to create and establish a board of county commissioners in and for Madison county, Alabama, in the place and stead of the board of revenue of Madison county, now existing in said county and abolishing said board of revenue of Madison county; to divide said county of Madison into five districts, defining the jurisdiction of said board of county commissioners, fixing their compensation, conferring upon said board of county commissioners all the jurisdiction, powers and authority granted by law to county commissioners, boards of revenue or other governing bodies of like name or the appointment of said board of county commissioners of a clerk; and a supervisor of public roads; providing for the holding of monthly meetings of said board of commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said board of commissioners, and to amend the Act itself so as to authorize the board of commissioners of Madison county, Alabama, for the purpose of maintaining the public roads, bridges and ferries of the county, to impose a tax on gasoline or substitutes therefor, sold in the county, not to exceed three cents per gallon and to provide the machinery for its collection.

To Whom It May Concern:

This is to certify that the attached advertisement was published in the Huntsville News, a newspaper published in Madison county, Alabama, for four consecutive weeks as follows: July 20th, 27th, August 3rd and 10th, 1923.

Virgil V. Evans,
Publisher.

Subscribed and sworn before me this the 10th day of August, 1923.

(Seal)

Thos. W. Jones,
Judge Probate.

By Mr. Overton:

S. 357. To require that all stationery, books, blank books, office supplies and office material for the use of the several State offices, departments, commissions, bureaus and boards, and for the use of the offices and officials of the several counties of the

State, to be purchased from persons, firms or corporations whose principal place of business is within the State of Alabama, and requiring that all printing used by the several departments of the State and the several counties of the State shall be done within the State of Alabama."

Printing.

By Mr. Brower (notice and proof) :

S. 358. To provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows :

NOTICE OF LOCAL LEGISLATION.

A bill to be entitled an Act to provide for the relief of Arthur Greenwood, Spiro Greenwood, and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe.

Be it enacted by the Legislature of Alabama :

Section 1: That the State Auditor be and he is hereby required to draw his warrant on the State Treasurer for the sum Nine Hundred Eight and 96/100 (\$908.96) Dollars, payable to the said Arthur Greenwood, Spiro Greenwood and Harry Greenwood, partners doing business under the style and firm name of Greenwood Cafe, payable out of any funds in the State Treasury not otherwise appropriated.

Section 2: That it shall be the duty of the State Treasurer to pay said warrants out of any money in the State Treasury not otherwise appropriated.

State of Alabama, }
County of Jefferson. }

Before me, the undersigned authority, in and for the County and State, aforesaid personally appeared George M. Howle, editor of the Weekly Call, a weekly newspaper published in said State and County, who, being by me first duly sworn deposes and says that the notice a true copy of which is hereto attached, was published in The Weekly Call, once a week for four consecutive weeks, commencing on January 27th, 1923.

Geo. M. Howle,
Editor of The Weekly Call.

Sworn to before me, and signed in my presence, this 20th day of July, 1923.

Mrs. Imelda Fearing,
Notary Public.

By Mr. Jones of Conecuh (with notice and proof) :

S. 359. To establish in precinct nine in Covington county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows :

NOTICE OF LEGISLATION.

A bill will be introduced in its convening July 10, 1923, for the Legislature of Alabama on the purpose of establishing an inferior court for precinct No. nine (9) for Covington county, Alabama, in lieu of all justices of the peace, notaries public with the jurisdiction of justices of the peace, and justice courts, for such precinct; with jurisdiction and powers in such precinct in both criminal, quasi criminal, and civil causes, which are now or as may hereafter be conferred upon justices of the peace and justice courts only; providing for officers for such court, fixing their compensation and providing therefor; fixing the terms of such court; providing for the procedure for such court as in county courts, and in justice courts, respectively, and providing for the disposition of fines, forfeitures, and fees in such court and causes in the same, and regulating the same.

State of Alabama, }
Covington County.

Before me, John Bair, a Notary Public in and for said State and county, personally appeared J. L. Kimbro, who being sworn says on oath that he is editor and publisher of the Florala News, a weekly newspaper published at Florala, Covington county, Alabama, and that the hereto attached notice was published in said newspaper once a week for four consecutive weeks, the first insertion being in issue dated July 19th, 1923, the second insertion being in issue dated July 26th, 1923, the third insertion being in issue dated August 2nd, 1923, and the fourth insertion being in issue dated August 9th, 1923.

J. L. Kimbro.

Sworn to and subscribed before me this 11th day of August, 1923.

John Bair,

(Seal)

Notary Public in and for said State and County.

By Mr. Brooks:

S. 360. To amend Section 5362 of the Code of Alabama.
Judiciary.

Also:

S. 361. To provide for special verdicts and special findings of facts by juries.

Judiciary.

Also:

S. 362. To regulate further the admissibility of evidence or testimony on the trial of homicide cases.

Judiciary.

Also:

S. 363. To require every person, firm or corporation operating a railroad in Alabama to construct and maintain good and sufficient crossings on the public roads and streets crossed by such railroads and to keep same renewed and in good repair at their own expense; to grade to a level with the rails of such railroad and to keep in good repair every such public road and street crossing for a distance of ten feet on each side of such railroad track; to provide penalties for failure to comply with the requirements of said Sections 1 and 3 of this Act; to provide for the elimination of grade crossings and for the construc-

tion of overpasses and underpasses where any such railroads intersect public roads or streets within this State and for determination of the expense thereof between the person, firm or corporation operating any such railroad and the State of Alabama, counties and municipalities, and to provide for requiring the payment of such expense; to confer upon the State Highway Department, the State Highway Engineer and the Alabama Public Service Commission jurisdiction to perform the duties imposed upon them by this Act and to prescribe penalties for failure or refusal of any person, firm or corporation operating any such railroad to comply with the provisions hereof.

Revision of Laws.

By Mr. Craft (with notice and proof) :

S. 364. To amend Section 7 of an Act entitled an Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, approved April 15th, 1911.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE.

Notice is hereby given that the Act herein below set forth will be presented for passage to the Legislature of Alabama, at the adjourned session thereof, commencing July 10th, 1923.

AN ACT

To amend section 7 of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911.

Section 1. Be it enacted by the Legislature of Alabama, That section seven (7) of an Act entitled an Act to establish an inferior civil court in lieu of justices of the peace for all precincts lying within or partly within the city of Mobile, approved April 15th, 1911, be and the same is hereby amended, so as to read as follows:

Section 7. The ex-officio judge of said inferior civil court shall receive as compensation for his services as such ex-officio judge of said court the sum of fifteen hundred dollars per annum payable in monthly installments out of the county treasury of Mobile county, Alabama.

Section 2. That all laws, or parts of laws, in conflict, contrary to the provisions of this Act are hereby repealed.

Section 3. This Act shall not take effect until the expiration of the present term of the ex-officio judge of said inferior civil court of Mobile.

The State of Alabama, {
Mobile County. }

Before me, Wm. A. Conrad, a Notary Public in and for said county in said State, this day personally came E. V. O'Connor, who being by me duly sworn, deposes and says that he is the publisher of the Mobile Times-News, a weekly newspaper published and distributed in said county of Mobile, Alabama, and that notice of the intention to apply to the Legislature of Alabama at its present session for the passage of a certain local bill of which a copy is hereto attached, was published, without cost to the State, in said

county of Mobile, stating the substance of said proposed law, once a week for four consecutive weeks, in said Mobile Times-News, on July 11th, 18th, 25th, and on August 1st, 1923.

(Seal)

E. V. O'Connor.
Notary Public, Mobile County, Ala.

Subscribed and sworn to before me by on this the day of August, 1923.

Wm. A. Conrad,

By Mr. Brower (with notice and proof) :

S. 365. To amend an Act entitled "An Act to establish an inferior criminal court for Jefferson county, Alabama; to define the jurisdiction and power of said court; a judge a clerk and other officers thereof; to provide a place for holding said court; the terms and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION.

Notice is hereby given that the following bill will be introduced during the present session of the Legislature for enactment:

AN ACT

To amend an Act entitled "An Act to establish an inferior criminal court for Jefferson county, Alabama; to define the jurisdiction and power of said court; a judge, a clerk, and other officers thereof; to provide a place for holding said court; the terms, and salary of said judge and officers of said court, the manner of their appointment and election, the payment of their salaries," approved September 10th, 1919, and to provide for the increase of the salary of the judge and other officers of said court, and to amend the provisions as to the judges, officers and employees of said court, their number, appointment and authority, and to provide for the creation of an ex-officio judge of said court, and to define his duties.

Be it enacted by the Legislature of Alabama: That section ten (10) of the said Act to establish an inferior criminal court for Jefferson county, Alabama; to define the jurisdiction and powers of said court, the judge, clerk and other officers thereof; to provide for a place of holding said court, the terms and salary of said judge and other officers of said court, the manner of their appointment and election, and the payment of their salaries, approved September 10th, 1919, read as follows:

Section 10. That there shall be appointed by the judge of said court a chief clerk, a first assistant clerk and two deputy clerks, who shall hold office at the will of the judge of said court. The chief clerk shall receive as compensation for his services the sum of twenty-four hundred (\$2,400.00) dollars per annum, payable in equal monthly installments of two hundred

dollars per month, out of the county treasury of Jefferson county upon warrants drawn by the judge of said court upon the county treasurer of said county, showing that said chief clerk has performed the duties for the month. Each of said deputy clerks (except the first assistant clerk) shall receive a salary of fifteen hundred (\$1,500.00) dollars per annum, payable in equal monthly installments of one hundred and twenty-five (\$125.00) dollars, out of the county treasury of Jefferson county, upon warrants drawn on the county treasurer of said county by the judge of said court, showing that the said deputy clerks have performed the duties for the month. The first assistant and the deputy clerks shall act under the authority of the chief clerk, for and in the name of the chief clerk.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and county, J. H. F. Mosley, who, being duly sworn, deposes and says that he is editor and manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate on the following dates: June 16, 23, 30; July 7, 1923.

Sworn to and subscribed before me, this 6th day of August, 1923.
J. H. F. Mosley.
Mary Mosley,
(Seal) Notary Public.

By Mr. Pelham:

S. 366. To revise and amend Chapter 210 of the Code of 1907.

Fish, Game and Forestry.

Also:

S. 367. To revise and amend Chapter 20 of the Code of 1907.
Fish, Game and Forestry.

Also:

S. 368. To revise and amend Chapter 224 of the Code of 1907.

Fish, Game and Forestry.

By Mr. Teasley (with notice and proof):

S. 369. To appropriate \$852.81 to be paid to Frank Stollenwerck to refund to him taxes paid by him, by Emma Stollenwerck, deceased, and Frank Stollenwerck, deceased, to the State of Alabama on erroneous assessments made against property in Montgomery, Alabama, belonging to the respective parties at the times of said assessments and to authorize the State Treasurer to pay the same to said Frank Stollenwerck.

Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the undersigned intends to apply to the Alabama Legislature at its present session to pass an act for his relief by the appropriation of to-wit: Fifteen Hundred Dollars, to be paid to him to refund him for taxes paid to the State of Alabama on erroneous assess-

ments against certain real estate in Montgomery, Alabama, for the years 1909 to 1921, both inclusive.

Frank Stollenwerck.

State of Alabama, }
Montgomery County. }

Before me, L. L. Mooneyham, personally appeared W. Guy Cheatham who states on oath that he is manager of the classified department of The Montgomery Journal and that the attached notice appeared in that paper on July 10, 17, 28 and 31.

W. Guy Cheatham,
(Manager Classified Dept.)

Sworn to and subscribed before me this the ninth day of August, 1923.
(Seal)

L. L. Mooneyham,
Notary Public.

By Mr. Powell (with notice and proof):

S. 370. To amend section 10 of an Act entitled "An Act to establish a board of revenue for Macon county in lieu of the court of county commissioners as now provided by law. To relieve the judge of probate of his duties as chairman of said court or board, and to provide for the election of a chairman and clerk thereof, and to fix the powers and duties and provide for the compensation of the members and clerk of said board."

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the present session of the Alabama Legislature to fix the salary of the chairman of the board of revenue of Macon county at fifty dollars per month, and to provide for the payment thereof, amending section 10 of an Act establishing the board of revenue of said county approved October 5th, 1920. Said Act as amended to read as follows:

Section 10. That the members of said board of revenue, not including the chairman, shall be entitled to five dollars per day for each day of actual service rendered in attending the meetings of said board, or for any work or labor or service rendered in looking after the roads and bridges of the county, to be paid out of the county treasury on the certificate or warrant of the chairman of the said board of revenue after the same has been allowed and ordered paid by said board. The chairman of said board shall be paid the sum of fifty dollars per month for his services as said chairman to be paid out of the county treasury after the same has been ordered paid by said board on the warrant of the chairman, as provided for the payment of the other members of the board.

John H. Drakeford,
Chairman of the Board of Revenue of Macon County.

M. E. Akin,
E. E. Blanton,
R. A. Haden,
E. L. Torbert,

Members of Board of Revenue for said Macon County.

The State of Alabama, }
Macon County. }

Before me, Daisy Buice, a Notary Public in and for said State and county, personally appeared J. A. Matthews, who being duly sworn deposes and says that he is editor and owner of the Tuskegee News, a newspaper published in said county, and that the appended notice was published for 4 consecutive times in said newspaper, beginning on the 19th day of July, 1923, and ending the 9th day of Aug., 1923.

J. A. Matthews.

Sworn to and subscribed before me this 9th day of Aug., 1923.

(Seal)

Daisy Buice, N. P.

By Mr. Middleton:

S. 371. To authorize courts of county commissioners or courts of like jurisdiction of the several counties of the State of Alabama, to contract for and take over by lease or otherwise the operation of bridges over streams, and to maintain the same as public highways; to expend county funds to carry out such contracts and for the maintenance of said bridges; to incur liabilities accruing to such counties or the owners or lessors of such bridges on account of accidents or injuries that may arise from the operation of such bridges; to contract with other courts of county commissioners in adjoining counties for the joint taking over and operation of bridges; to lease and maintain bridges over streams lying partly or wholly within the limits of any incorporated municipality and to ratify and confirm all contracts heretofore made by any court of county commissioners or court of like jurisdiction for the leasing, maintenance and operation of bridges, and to ratify and confirm all payments heretofore made on account of pre-existing contracts or operations.

Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Martin:

S. 183. To further regulate what is commonly known as truck traffic upon the highways of Alabama; to further provide for the care and protection of said highways; to provide for the enforcement of this Act, and to give a right of action in the name of the State of Alabama or any county, or municipality in which said highway is located, or any citizen thereof, against any person, firm or corporation, causing injury or damage to such highways; and to provide a penalty for the violation of this Act. By Mr. Martin (with amendment):

S. 212. To amend Section 5417 of the Code of Alabama of 1907.

By Mr. Brower.

S. 339. To provide and prescribe the manner and method by which changes and alterations in the form of government of cities having a population of 100,000 or more according to the last or any subsequent Federal census may be adopted, and to provide when such change or changes shall become effective.

By Mr. Griffith:

S. 346. To amend Section 6856 of the Code of 1907.

By Mr. McNeil:

~~S. 319. To amend Section 6372 of the Code of Alabama of 1907.~~

By Mr. McNeil:

S. 318. To amend Section 6366 of the Code of Alabama of 1907.

By Mr. McNeil:

S. 317. To amend Section 6376 of the Code of Alabama of 1907.

~~Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the Calendar, to-wit:~~

By Mr. Bonner:

S. 270. To prohibit any person, firm or corporation from operating certain entertainments or amusements on Sunday where an admission fee is charged or received, or where any contribution or donation is accepted for admittance to such entertainment or amusement, to provide penalties and punishments for violation thereof, and to repeal all laws, general, local, special, or municipal in conflict with the provisions hereof, and to fix the time when this Act shall become effective.

ADVERSE REPORT.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the Adverse Calendar, to-wit:

By Mr. Garth:

S. 274. To amend Section 6768 of the Code of Alabama of 1907.

RESOLUTIONS.

Mr. Martin of the Senate Rules Committee, offered the following Senate resolution:

S. 117. Resolved by the Senate that each Committee Clerk must deposit with the Secretary of the Senate all bills, resolutions and other documents referred to the committee of which he or she is clerk and leave the same in the custody of the Secretary of the Senate when such documents are not in use by the committee or committees of which he or she is clerk.

Which was, under a suspension of the rules, adopted.

Mr. Martin of the Rules Committee, also offered the following Senate Resolution:

S. R. 118. Resolved by the Senate that immediately after the disposal of the Revenue Bill today the Senate take up the Code Bills, numbered 307 and 308 of the Calendar, and continue the consideration of the same until finally disposed of.

Which was, under a suspension of the rules, adopted.

Mr. Martin of the Rules Committee, offered the following Joint Resolution:

S. J. R. 119. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they do adjourn until Thursday, August 16, 1923, at 10:00 A. M.

Which was, under a suspension of the rules, adopted.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill respectively, and find same correctly engrossed, to-wit:

S. 332. To establish a board of revenue for the county of Winston, to consist of five members, one of whom shall be president thereof, in lieu of the commissioners' court of said county; and to confer on said board of revenue all the powers, jurisdiction, and prescribing for it all the duties of the commissioners' court of said county, and otherwise defining its jurisdiction, powers and duties; providing for the appointment of the members of said board, prescribing their terms of office and providing for the appointment of members of said board to hold office after the expiration of the terms of office of the first members of said board and prescribing their terms of office, providing for the appointment of a clerk of said board and defining his duties, powers and compensation; providing for the compensation of the members of said board; and abolishing the court of county commissioners of said county.

J. P. Middleton,
Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bill with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their power, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

C. R. Horton,
Chairman.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

H. 142. To regulate the feeding of prisoners in county jails and to provide for the manner of payment for the feeding of such prisoners.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 142. To the Committee on Judiciary.

CONTINUATION OF MOTIONS TO TAKE FROM ADVERSE
CALENDAR.

Mr. Griffith moves that he be given unanimous consent to continue his motion to take from the Adverse Calendar, the bill: S. 229. To amend Section 704 of the Code of 1907.

Until the next Legislative Day, which motion was granted and the motion to take from the Adverse Calendar so continued.

Mr. Jones of Barbour moves that he be given unanimous consent to continue his motion to take from the Adverse Calendar, the bill:

S. 189. To provide for the enforcement of the provisions of section two hundred and eighty of the Constitution of the State of Alabama; and to provide that no person shall hold more than one office of profit under this State with certain exceptions; to provide penalties for the violation thereof, and to define the terms thereof.

Until the next Legislative Day, which motion was granted, and the motion to take from the Adverse Calendar so continued.

SPECIAL, PARAMOUNT AND CONTINUING ORDER SET.

On motion of Mr. Ellis, the bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Was made a special, paramount and continuing order immediately after the regular order of business on the next Legislative Day.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 119, relative to the adjournment of the two Houses until Thursday, August 16th, at 10 A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING.

The bill:

H. 308. To adopt a Code of Laws for the State of Alabama
Was read a third time at length and passed.

Yeas, 27; nays, 6.

Yeas:

Messrs:

Brooks

Caffey

Carlton

Craft

Duncan

Ellis

Foster

Garth

Harlan

Hildreth

Horton

Hudgens

Hutson	Jones (Conecuh)	Overton	Teasley
Inzer	Middleton	Pelham	Tunstall
Johnson	McNeil	Powell	Waddell
Jones (Barbour)	Oliver	Randall	

—27

Nays:

Messrs:

Adams	Brower	Howle	Martin
Bonner	Griffith		

—6

The bill:

H. 307. To provide for the publication and distribution of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Johnson	Powell
Brooks	Garth	Jones (Barbour)	Randall
Brower	Griffith	Jones (Conecuh)	Slone
Caffey	Harlan	Middleton	Teasley
Carlton	Hildreth	McNeil	Tunstall
Craft	Horton	Oliver	Waddell
Duncan	Howle		

—30

Nays:—None.

The bill:

H. 262. To further regulate the workings of the public roads in Coosa County, Alabama.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Oliver
Bonner	Garth	Inzer	Overton
Brooks	Griffith	Johnson	Pelham
Brower	Harlan	Jones (Barbour)	Powell
Caffey	Hildreth	Jones (Conecuh)	Randall
Carlton	Horton	Martin	Slone
Craft	Howle	Middleton	Teasley
Duncan	Hudgens	McNeil	Tunstall
Ellis			

—33

Nays:—None.

RECONSIDERATION OF VOTE.

Mr. Adams moved that the vote by which the Senate on the last Legislative Day indefinitely postponed the bill:

H. 46. To amend Sections 3615 and 3622 of the Code of 1907.

Be reconsidered, and said bill restored to the Adverse Calendar of the Senate, which motion prevailed and said vote was

reconsidered and said bill was again placed on the Adverse Calendar.

LEAVE OF ABSENCE.

On motion of Mr. Ellis, leave of absence was granted Mr. Carmichael for today.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 542. To vacate that part of the Huntsville Road from the point of intersection with Eighteenth Avenue to the point of intersection with Nineteenth Street, and all streets, avenues, alleys, roads and ways over or across that certain tract of land in Jefferson County, Alabama, near the City of Bessemer, bounded by the Huntsville Road, Eighteenth Avenue and Nineteenth Street, as designated on the map of the Bessemer Land & Improvement Company and on the map of the Bessemer Coal, Iron & Land Company, and to relinquish and abandon all rights of the public in and to that part of said Huntsville Road and the said streets, avenues, alleys, roads and ways.

J. H. Stewart,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED.

The bill:

H. 371. To amend Section 5896 of the 1907 Code of Alabama. Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Craft

Duncan

Ellis

Foster

Garth

Griffith

Harlan

Hildreth

Horton

Howle

Hudgens

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)	Oliver	Powell	Teasley
Middleton	Overton	Randall	Tunstall
McNeil	Pelham	Slone	Waddell

—32

Nays:—None.

The bill:

H. 525. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Bonner	Foster	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Griffith	Johnson	Randall
Caffey	Harlan	Jones (Barbour)	Slone
Carlton	Hildreth	Jones (Conecuh)	Teasley
Craft	Horton	Martin	Tunstall
Duncan	Howle	McNeil	Waddell
Ellis	Hudgens		

—30

Nays:—None.

The bill:

H. 397. To rearrange and redistrict the commissioner's court districts of Pickens County, Alabama.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs:

Adams	Foster	Inzer	Overton
Bonner	Garth	Johnson	Pelham
Brooks	Griffith	Jones (Barbour)	Powell
Brower	Harlan	Jones (Conecuh)	Randall
Caffey	Hildreth	Martin	Slone
Carlton	Horton	Middleton	Teasley
Craft	Howle	McNeil	Tunstall
Duncan	Hudgens	Oliver	Waddell
Ellis	Hutson		

—34.

Nays:—None.

The bill:

S. 171. For the promotion of medical science by the distribution and use of unclaimed dead human bodies for scientific study through a board created for that purpose.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Oliver
Bonner	Garth	Inzer	Overton
Brooks	Griffith	Johnson	Pelham
Brower	Harlan	Jones (Barbour)	Powell
Carlton	Hildreth	Jones (Conecuh)	Randall
Craft	Horton	Middleton	Slone
Duncan	Howle	McNeil	Waddell
Ellis	Hudgens		

—30

Nays:—None.

The bill:

H. 286. To provide for the election of a county superintendent of education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

Was taken up.

The Committee on Local Legislation offered the following amendment to said bill:

Amend Section three of House Bill No. 286, so that said Section three shall read as follows:

Section Three: That the salary of said Superintendent of Education shall be fixed by the County Board of Education of Butler County, Alabama, which salary shall not be less than \$1,800.00 nor more than \$3,000.00 per annum, and which salary shall be paid in the same way and manner as now provided under the general laws of the State of Alabama for the payment of County Superintendents of Education in the several Counties of the State.

Amend Section Four of House Bill No. 286, so that said Section four shall read as follows:

Section 4. That said County Superintendent shall be charged with the same duties and shall exercise the same powers as are now provided by the general school laws of the State of Alabama in the conduct of the office of the County Superintendent of Education; and no person shall be eligible for political party nomination to the office of County Superintendent of Education of said county who does not as now required hold an Alabama Certificate in Administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education with at least one year of additional study of

college grade, or holds a certificate of graduation from a Class A College or University and three years of successful teaching experience; that no person shall be eligible to such office who is not a qualified elector of Butler County, Alabama, at the time of the nomination or election to such office.

Mr. Jones of Conecuh offered the following amendment to said committee amendment, to-wit:

Amend committee amendment to H. 286, as follows:

By striking out the words, "or holds a certificate of graduation from a Class A College or University and three years of ~~successful teaching experience~~" and insert in lieu thereof the following: "and proof of three years of successful teaching experience; provided, that if no person meeting these requirements qualifies for nomination and election as provided in this Act, the County Board of Education shall appoint a superintendent of education as provided by general law regulating the appointment of superintendents."

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hudgens	Oliver
Bonner	Foster	Hutson	Overton
Brooks	Garth	Inzer	Pelham
Brower	Griffith	Jones (Barbour)	Slone
Caffey	Harlan	Jones (Conecuh)	Teasley
Carlton	Hildreth	McNeil	Waddell
Craft	Horton		

—26

Nays:—None.

And said committee amendment as thus amended, was then adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Griffith	Johnson	Pelham
Bonner	Harlan	Jones (Barbour)	Powell
Brooks	Hildreth	Jones (Conecuh)	Randall
Caffey	Horton	Martin	Slone
Carlton	Howle	McNeil	Teasley
Craft	Hudgens	Oliver	Tunstall
Ellis	Hutson	Overton	Waddell
Garth	Inzer		

—30

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Garth	Inzer	Overton
Brooks	Griffith	Johnson	Pelham
Brower	Harlan	Jones (Barbour)	Powell
Caffey	Hildreth	Jones (Conecuh)	Randall
Carlton	Howle	Martin	Slone
Craft	Hudgens	McNeil	Teasley

—28

Nays:—None.

The bill:

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Pelham
Bonner	Foster	Inzer	Powell
Brooks	Garth	Johnson	Randall
Brower	Griffith	Jones (Barbour)	Slone
Caffey	Harlan	Jones (Conecuh)	Tunstall
Carlton	Hildreth	McNeil	Waddell
Craft	Howle	Oliver	

—27

Nays:—None.

The bill:

S. 308. To provide for the payment of court costs in cases in which the condemnation and forfeiture of conveyance and vehicles of transportation on account of being used in the transportation of prohibited liquors or beverages of any kind is sought, and in which a decree shall be rendered against the State, and to make the provisions hereof retroactive.

Was taken up.

Mr. Hildreth offered the following amendment to said bill:

Amend Senate bill No. 308 by striking the following words from the caption of the bill "And to make the provisions hereof retroactive."

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Carlton
Craft
Duncan

Foster
Garth
Griffith
Harlan
Hildreth
Horton
Howle

Hudgens
Hutson
Inzer
Johnson
Jones (Barbour)
Jones (Conecuh)
Martin

McNeil
Oliver
Overton
Pelham
Powell
Randall
Tunstall

—29

Nays:—None.

RECONSIDERATION OF VOTE.

Mr. Hutson moved that the Senate reconsider the vote by which it just adopted the above amendmnet to S. 308, the title of which is above set out, which motion prevailed and said vote was reconsidered, and on motion of Mr. Hutson said bill and the pending amendment were re-referred to the Standing Committee on Judiciary.

REPORT FROM RULES COMMITTEE.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Governor's messages and ordered same returned to the Senate with a favorable report, and they were read and ordered spread upon the Journal, to-wit:

MESSAGE FROM THE GOVERNOR.

Gentlemen of the Senate:

I am directed by the Governor to hand you herewith his message with reference to a call for a nation-wide convention of the press, bankers and other interests to assemble in New Orleans, September 19th and 20th, 1923, for the purpose of devising means for combatting the boll weevil menace.

Respectfully,

A. L. Tyson,

Private Secretary to the Governor.

August 1, 1923.

MESSAGE FROM THE GOVERNOR.

To the Legislature of Alabama:

There is scarcely any subject more momentous and of greater interest to our State and in fact our nation, than the damage being wrought annually on our nation's commerce by the boll weevil.

The Louisiana Bankers' Association, in connection with Governor John M. Parker of that State and Mayor Andrew McShane of New Orleans, upon the recommendation of United States Senator Joseph E. Ransdell of Louisiana, has issued a call for a nation-wide Convention of the Press, bankers, transportation, mercantile, manufacturing and agricultural interests to assemble in convention in New Orleans on September 19th and 20th,

1923, for the purpose of devising ways and means of combating the boll weevil menace to our nation.

Cotton in normal times was the one item of commerce which turned the balance of the world's trade in favor of the United States of America and I commend and suggest your active support and co-operation in this timely and commendable movement.

Respectfully,
Wm. W. Brandon,
Governor.

August 1, 1923.

Mr. Martin, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report and it was read a second time and placed on the Calendar, to-wit:

H. J. R. 82. Relative to endorsing the principles incorporated in the Dial Amendment to the Cotton Futures Act.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 11. To authorize and empower the council of cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve post office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Also:

S. 164. To provide for the institution and prosecution of misdemeanors in the County Court of Morgan County otherwise than by indictment by the grand jury, or by affidavit made before the Judge of said Court.

Also:

S. 166. To authorize the board of city commissioners of the city of Tuscaloosa to vacate and close to public travel, or use portions of certain avenues and streets, and certain alleys, in said city, described as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd street,

or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, according to the original survey of Newtown, on the south; that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 199 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 375 to 382, inclusive, according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that

certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 383 to 384, according to the original survey of Newtown, and on the west by lots numbers 391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th Street or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street on the south.

Also:

S. 268. To establish an inferior court in precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Also:

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to

provide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission and to fix his salary as such clerk and the manner of its payment.

Also:

S. 167. To authorize the Board of City Commissioners of the City of Tuscaloosa to vacate and close that portion of 22nd Avenue in said city which lies between 12th Street on the north and 13th Street on the south.

J. H. Stewart,
Clerk.

REPORT OF SECRETARY.

To the Senate:

Pursuant to Joint Rule No. 5, I respectfully submit the following report of enrolled and signed bills delivered to the Governor and Joint Resolutions delivered to the Secretary of State, to-wit:

S. J. R. 85. Relative to protesting against placing negro officials in charge of Government Hospital at Tuskegee, Alabama.

Delivered to the Governor July 13th, 1923 at 11:30 A. M.

Also:

S. 28. To amend Section 1188 of the Code of 1907.

Delivered to Governor July 19, 1923, 11:30 A. M.

Also:

S. 34. To amend Section 3627 of the Code of Alabama of 1907.

Delivered to Governor July 19, 1923, 11:30 A. M.

Also:

S. J. R. 87. Relative to the State placing in the National Statuary Hall at Washington a statue, to the memory of General Joseph Wheeler, the expenses of which are to be borne by the family of General Wheeler.

Delivered to Governor July 19, 1923, 11:30 A. M.

Also:

S. 78. To provide for loading, shipping and sale of water-melons and prescribing penalties for the violation therefor.

Delivered to Governor July 24, 1923, 2:45 P. M.

Also:

S. 108. To amend the caption and sections 3, 7, 10, 11, 18, 23 and 24 of an Act approved April 4, 1911, entitled "An Act to establish in precinct one, in Madison County, Alabama, an in-

ferior court in lieu of all justices of the peace, and notaries public with the power of the justices of the peace, in said precinct to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court, and the judge thereof."

Delivered to Governor July 26, 1923, 12:15 P. M.

Also:

S. 225. To fix the salary of judges of probate in all counties in this State which now have, or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken and to regulate the payment of same: To provide for the selection of clerical help and other assistance to said judges of probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such judges of probate: And to require all of said judges of probate to pay into the county treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said judges of probate as other moneys belonging to said counties are paid.

Delivered to Governor July 31, 1923, 10:30 A. M.

Also:

S. J. R. 105. Relative to the Legislature of Alabama extending to President and Mrs. Harding its sincere sympathy and wishes for a speedy recovery from his sudden illness.

Delivered to Governor July 31, 1923, 4:40 P. M.

Also:

S. 219. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, including within precincts 1, 2, 3, 4, 5, 7, 24, 27, 33, 35, 40, 41, 49, 51, 53 and 55, as now constituted; to define the jurisdiction and powers of said court, the judge, clerk, and other officers thereof; to provide for a place for holding said court, terms and salaries of said judge and officers of said court and otherwise to provide for said court.

Delivered to Governor August 1, 1923, 10:30 A. M.

Also:

S. J. R. 104. Memorializing the Secretary of Agriculture and the Chief of the Bureau of Public Roads to grant a hearing to the Alabama Highway Department and permit to present them its appointed representative's evidence and facts of the true and correct mileage of Alabama.

Delivered to Governor August 3, 1923, 11 A. M.

Also:

S. J. R. 110. Relative to the Legislature of Alabama endorsing the candidacy of the City of Atlanta for the place of

holding the next Democratic National Convention and recommending the same to the National Committee.

Delivered to Governor August 7, 1923, 2:30 P. M.

Also:

S. J. R. 107. Relative to the Legislature of Alabama adjourning at the hour of 12 P. M. August 3, 1923, as a mark of respect in memory of our deceased President.

Delivered to Governor August 7, 1923, 2:30 P. M.

Also:

~~S. J. R. 108. Relative to the Legislature of Alabama sending resolutions of condolence by telegram to Mrs. Warren G. Harding, the grief stricken widow. Hon. George B. Christian, Hon. Chas. E. Hughes.~~

Delivered to Governor August 7, 1923, 2:30 P. M.

Also:

~~S. 194. To alter and rearrange the boundary lines of the city of Alexander City, Alabama, and to describe the area included in such boundary lines and within such city.~~

Delivered to Governor August 7, 1923, 2:30 P. M.

Also:

S. 249. To provide for appeals from the recorder's court or other courts of municipalities where the territory lying within the corporate limits of the municipality are in different counties.

Delivered to Governor August 7, 1923, 2:30 P. M.

Also:

S. 289. To alter or re-arrange the boundary lines of the city of Phenix City, Alabama, so as to include within the corporate limits of said municipality the territory now included within the town of Girard, Alabama, a municipal corporation, and also to include other territory not included within the corporate limits of either Phenix City or Girard, Alabama.

Delivered to Governor August 7, 1923, 2:30 P. M.

Also:

S. 248. To provide the form of the government of a municipality where the corporate limits of a municipality are altered or re-arranged so as to include territory of another municipality lying in a different county; to provide for the appointment of officers and to fix their terms of office.

Delivered to Governor August 7, 1923, 2:30 P. M.

Also:

S. 193. To permit newspaper editors and publishers of newspapers to accept mileage from railroads and other common carriers in exchange for space and advertisements in their newspapers.

Delivered to Governor August 9, 1923, 11:30 A. M.

Also:

S. 206. To amend Section 1 of an Act entitled an Act to provide for the appointment of Deputy Registers and Deputy Clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies. Approved October 1st, 1920.

Delivered to Governor August 9, 1923, 11:30 A. M.

Also:

S. 278. To abolish the county court of Chilton county, Alabama, to annul its jurisdiction, which court is provided for in and by Article 3, Chapter 198 of the Code of Alabama, of 1907, and re-established by the provisions of an Act approved September 25, 1915, and to provide for the transfer of all of the cases of every kind and description pending in said court at the time of the approval of this Act, together with all papers, records, processes and everything pertaining to the circuit court of Chilton county; to provide for the institution and prosecution of misdemeanors in the circuit court of Chilton county otherwise than by indictment by the grand jury; and to regulate and prescribe the method of securing jury trials in misdemeanor cases in the circuit court of Chilton county, and to prescribe how such cases shall be tried without the intervention of a jury and reviewed, and to provide for the repeal of all laws in conflict with the provisions of this Act.

Delivered to Governor August 9, 1923, 11:30 A. M.

Also:

S. 209. "To provide for the appointment of an additional deputy clerk for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputy."

Delivered to Governor August 9, 1923, 11:30 A. M.

Also:

S. 173. To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their power, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said

commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" and to provide for the going into effect of the various sections of said Act as amended.

Delivered to Governor August 14, 1923, 2:30 P. M.

J. E. Speight,
Secretary.

SECRETARY'S REPORT.

The foregoing report of the Secretary was read at length and, on motion of Mr. Foster, said report was adopted and ordered spread upon the Journal.

ORDER TO PRINT.

On motion of Mr. Powell, the Secretary was instructed to have 250 copies of the bill:

S. 183. To further regulate what is commonly known as truck traffic upon the highways of Alabama; to further provide for the care and protection of said highways; to provide for the enforcement of this Act, and to give a right of action in the name of the State of Alabama or any county, or municipality in which said highway is located, or any citizen thereof, against any person, firm or corporation, causing injury or damage to such highways; and to provide a penalty for the violation of this Act.

Printed for the use of the Senate.

ADJOURNMENT.

At 5:20 P. M., on motion of Mr. Hutson and pursuant to S. J. R. 119, the Senate adjourned until Thursday morning, August 16, 1923, at 10:00 o'clock.

THIRTY-SECOND DAY.

Thursday, August 16th, 1923.

The Senate met pursuant to adjournment, Lieutenant Governor McDowell presiding.

PRAYER.

By Rev. Dr. Robert H. McCaslin, formerly of Montgomery.

ROLL CALL.

Present:

Mr. President and

Messrs:

Adams

Bonner

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

Garth

Griffith	Hutson	Middleton	Randall
Harlan	Inzer	McNeil	Slone
Hildreth	Johnson	Oliver	Teasley
Horton	Jones (Barbour)	Overton	Tunstall
Howle	Jones (Conecuh)	Pelham	Waddell
Hudgens	Martin	Powell	

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JOURNAL.

On motion of Mr. Hutson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Griffith:

S. 372. To amend Section 2 of an Act of Legislature approved Feb. 10, 1923 entitled "An Act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State, providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act."

Finance and Taxation.

By Mr. Foster:

S. 373. To amend Section 6866 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Powell:

S. 374. To provide a uniform road law for all the counties of the State as to the duration of time a person liable to road duty must work on the public roads, and to provide the manner in which such person may relieve himself of road duty, by payment of money in lieu thereof; and to define the road year; and to provide for the distribution of money paid in lieu of labor, and the manner of collecting same; and to repeal all laws, or parts of laws, in conflict with the provisions of this Act.

Revision of Laws.

Also:

S. 375. To subject the salary of officials or employees of a city, county or state government to writs of garnishment, and to provide how and upon whom such writs may be served.

Revision of Laws.

By Mr. Hildreth:

S. 376. To make it unlawful for any person, with intent to defraud, to make or utter a check or draft upon any bank, know-

ing at the time that he has no funds or insufficient funds with which to pay the same; to obtain money or other property or credit by check, draft or order which is not paid upon presentation; to fix the punishment for the violation of the provisions hereof, and to prescribe rules of evidence in prosecutions hereunder.

Judiciary.

By Mr. Inzer :

S. 377. To provide an appropriation for the maintenance and for building and equipment of the Alabama School of Trades and Industries.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Brooks, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Jones of Conecuh (with notice and proof) :

S. 359. To establish in precinct nine in Covington County, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in the said precinct, to be known as the inferior court of Florala, to define the jurisdiction and powers of said court and the judge thereof.

Mr. Bonner, Chairman of the Standing Committee on Temperance, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Jeter (with amendment) :

H. 268. To define, license, regulate and control billiard rooms and to fix penalties for the violation of this Act.

Mr. Powell, Chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Brooks:

S. 337. To amend Section 5534 of the Code of Alabama of 1907.

Mr. Ellis, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted

on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Hubbard (with notice and proof):

H. 399. For the relief of Ed Smart.

Mr. Waddell, Chairman of the Standing Committee on Mining and Manufactories, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Tunstall:

H. 472. To regulate the business of labor and emigrant agents within the State of Alabama; to levy a license tax on the carrying on of such business; and to provide penalties for the violation of the provisions of this Act.

ADVERSE REPORT.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and placed on the Adverse Calendar, to-wit:

By Mr. Brooks:

S. 360. To amend Section 5362 of the Code of Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

H. 591. To provide for the submission to the voters of all cities in this State, which now have or which may hereafter have a population of one hundred fifty thousand or more, according to the last or any succeeding Federal census, the question whether such cities shall be governed under the Mayor-Council, the Council-Manager, or the Commission form of municipal government; to describe, define, and provide for each of said forms of municipal government; to provide for the election and selection of the various officers to be elected and selected under each of said forms of municipal government; to fix the powers, duties, and compensation of such officers; to provide penalties for corrupt practices and other improper conduct in connection with the election of said officers and in connection with any other elections held under this Act; to provide penalties for other violations of the provisions of this Act; to advance the general welfare of all such cities; and otherwise to provide for the creation, con-

duct, operation and maintenance of each of said forms of government; and to repeal all laws and parts of laws in conflict with the provisions of this Act.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 591. To the Committee on Revision of Laws.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, have compared the following enrolled bills with the engrossed and original bills respectively, and find same correctly enrolled, to-wit:

S. 320. To make and constitute the judges of the circuit court, the judge of probate, the sheriff and the clerk of the circuit court of all counties in this State which now have or which may hereafter have a population of as much as seventy-five thousand and not more than ninety-five thousand people, according to the last Federal decennial census, or any such census which may hereafter be taken, the jury commission of such county; to provide that they shall serve as such without compensation; to authorize them to elect a president, and to provide that the clerk of the circuit court shall be ex-officio clerk of the jury commission, and to fix his salary as such clerk and the manner of its payment.

Also:

S. 11. To authorize and empower the council of cities of less than six thousand population to appropriate moneys from the general fund with which to build, add to, or improve post office buildings within said municipality, or to reimburse any citizen or citizens who have furnished moneys with which to build, add to or improve such buildings.

Also:

S. 164. To provide for the institution and prosecution of misdemeanors in the County Court of Morgan County otherwise than by indictment by the grand jury, or by affidavit made before the judge of said court.

Also:

S. 167. To authorize the Board of City Commissioners of the City of Tuscaloosa to vacate and close that portion of 22nd Avenue in said city which lies between 12th Street on the north and 13th Street on the south.

Also:

S. 268. To establish an inferior court in Precinct 36 in Dallas county, Alabama, in lieu of all justices of the peace, notaries public with powers of justices of peace, in said precinct, and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the procedure in said court, and the appeals therefrom to provide for the appointment of the first judge and the election of succeeding judges, to fix the qualifications and compensation of said judge and the mode of his election, to provide a fund out of which the salary of said judge and the expenses of said court shall be paid, to provide for the appointment of an acting judge in the event the regular judge is unable to serve, to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct, to provide for transfer to said court from the justice of the peace courts in said precinct of causes within the jurisdiction of such inferior court when established, to provide that the judge of said court may practice law, to provide for the payment of the sheriff's fees, court established.

Also:

S. 166. To authorize the Board of City Commissioners of the city of Tuscaloosa to vacate and close to public travel, or use, portions of certain avenues and streets, and certain alleys, in said city described, as follows: That part of 25th avenue, or Washington street, in said city, which lies between the north margin of 4th street, or Pine street, on the south, and Greensboro avenue, or the River Hill road, on the north; that part of 26th avenue, or Jefferson street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 27th avenue, or Franklin street, in said city, which lies between the north margin of 4th, or Pine street, on the south, and the property known as the River Margin, on the north; that part of 3rd street, or Spring street, in said city, which lies between the east margin of 28th avenue, or Jackson street, on the west, and the west margin of Greensboro avenue, or the River Hill road, on the east; that part of 36th avenue, or Main street, in said city, which lies between the lands known as the River Margin on the north, and the northern boundary line of 5th street, or Richmond street, on the south; that part of 37th avenue, or Alabama street, in said city, which lies between the lands known as the River Margin, on the north, and the extenuation westward of the north line of 7th street, on the south; that part of 38th avenue, or Choctaw street, in said city, which lies between the lands known as the River Margin, on the north, and a line projected westward as a continuation of the southern boundary line of lot number 412, ac-

cording to the original survey of Newtown, on the south, that part of 4th street, or Spring street, in said city, which lies between the eastern boundary line of 38th avenue, or Choctaw street, on the west, and the western boundary line of 35th avenue, or Bay street, on the east; that part of 5th street, or Richmond street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that part of 6th street, or Tippecanue street, in said city, which lies between the east line of 38th avenue, or Choctaw street, on the west, and the west line of 36th avenue, or Main street, on the east; that certain alley in said city which is bounded on the east by lots numbers 195 to 205, inclusive, according to the original survey of Newtown, and which is bounded on the west by lots numbers 211 to 216, inclusive, of the original survey of Newtown; that certain alley in said city which is bounded on the east by lots numbers 293 to 297, inclusive, according to the original survey of Newtown, and on the west by lots numbers 303 to 306, inclusive, according to the original survey of Newtown; that certain alley in said city, ~~which is bounded on the east by lots numbers 375 to 382, inclusive,~~ according to the original survey of Newtown, and on the west by lots numbers 393 to 400, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 285 to 292, inclusive, according to the original survey of Newtown, and on the west by lots numbers 307 to 314, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 190 to 198, inclusive, according to the original survey of Newtown, and on the west by lots numbers 217 to 224, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 277 to 284, inclusive, according to the original survey of Newtown, and on the west by lots numbers 315 to 322, inclusive, according to the original survey of Newtown; that certain alley in said city, which is bounded on the east by lots numbers 367 to 374, inclusive, according to the original survey of Newtown, and on the west by lots numbers 401 to 408, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 363 to 366, inclusive, according to the original survey of Newtown, and on the west by lots numbers 409 to 412, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 273 to 276, inclusive, according to the original survey of Newtown, and on the west by lots numbers 323 to 326, inclusive, according to the original survey of Newtown; that certain alley, in said city, which is bounded on the east by lots numbers 383 and 384, according to the original survey of Newtown, and on the west by lots numbers

391 and 392, according to the original survey of Newtown; that portion of 33rd avenue, or Oriental street, in said city, which lies between the south margin of 10th street, or Olive street, on the north, and the north margin of Crescent City avenue, or 15th street on the south.

C. R. Horton,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS RETURNED AND RE-REFERRED.

Mr. Foster, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a request that they be referred to the Standing Committee on Finance and Taxation, to-wit:

S. 207. For the relief of the heirs of Mathias Kaiser, deceased.

Also:

H. 142. To regulate the feeding of prisoners in county jails and to provide for the manner of payment for the feeding of such prisoners.

Pursuant to such request, the President of the Senate re-referred said bills, S. 207 and H. 142 to the Standing Committee on Finance and Taxation.

RESOLUTION.

Mr. Waddell offered the following Senate Joint Resolution:

S. J. R. 120. Be it resolved by the Senate of the State of Alabama, the House concurring, that the bridging of navigable streams is of more than local concern, being of national moment as to travel, commerce and military defense, and that the Alabama delegation in Congress is requested to have embodied in the next Federal Aid Act for roads, the bridging of navigable streams as a part of the basis of distribution of Federal Aid money among the several States.

Which was, under a suspension of the rules, adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bills:

H. 286. To provide for the election of a County Superintendent of Education for Butler County, Alabama, to fix his term of office, prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such County Superintendent under this Act and to provide for the election of his successor in office.

Also:

H. 410. To provide for the election of the County Superintendent of Education of and for Conecuh County, Alabama, by the qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Also:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama, by the qualified voters of said county.

J. H. Stewart,
Clerk.

The bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Was taken up.

The question was upon the adoption of the amendment reported by the Standing Committee on Finance and Taxation; said committee amendment being as follows:

Amend House bill 294, page 2, Section 2, by striking therefrom after the word "schools" in line 4 the following words: "Including text," also striking out all of line 5.

Amend House bill 294, page 2, Section 2, by adding thereto sub-section A-1 as follows: "All property, real and personal, used exclusively for hospital purposes, to the amount of twenty thousand dollars, where such hospitals maintain wards for charity patients and give treatment to such patients, provided that the treatment of charity patients shall constitute at least fifteen per cent of the business of such hospital."

Amend House bill 294, page 2, Section 2, by striking from sub-section D the words "Five hundred dollars" in line 28 and adding in lieu thereof the words "one thousand dollars."

Amend House bill 294, page 2, sub-section E of Section 2, by adding between the word "whose" and the word "property" on line 30, the word "taxable."

Amend House bill 294, page 3, Section 2, by adding at the end of sub-section H, on line 11, the following: "Athletic stadiums owned and controlled by universities, schools or colleges, and which are used exclusively for the purpose of promoting intercollegiate or inter-school athletics. Provided that the revenue received therefrom when admission is charged shall be used for the benefit of athletic associations of such universities, colleges or schools."

Amend House bill 294 by adding the following sections:

Section 2-A: The rate of taxation for State purposes shall be sixty-five one-hundredths of one per cent per annum on the assessed value of the taxable property within this State.

Section 2-B: There is hereby levied for the purpose and upon the property hereinafter named and not specifically exempted from taxation and the property named in all other revenue laws of this State not specifically repealed by this Act, annual taxes as follows, to-wit: a. For the maintenance of the public schools of this State, thirty cents on each one hundred dollars of the assessed value of taxable property. b. For the relief of needy Confederate soldiers and sailors, resident citizens of Alabama, and their widows, ten cents on each one hundred dollars of the assessed value of taxable property. c. For the use of the State and to raise revenue therefor, twenty-five cents on each one hundred dollars of the assessed value of taxable property.

Amend House bill 294 by adding Section 5½ to read as follows:

Section 5½: Subjects of taxation under this Act and existing laws shall include all the property, real and personal, of hydro-electric power companies.

Amend House bill 294, Section 8, page 6, by striking from line 34 the words "and building and loan associations."

Amend House bill 294, Section 8, page 6, by striking therefrom beginning on line 39, page 6, and ending on page 7, line 1, the following words: "In estimating the capital or capital stock of a manufacturer or corporation for the purpose of taxing the same, there shall be included the items of property, owned by the manufacturer or corporation, which are specially exempted from ad valorem taxation in Section 2 of this Act, together with all other property owned by them or it during the tax year for which the taxes are levied; but where the volume of values of such property vary at different times during such tax year, the average volume and value thereof shall be determined and this

value shall constitute the basis or value upon which to predicate the taxation thereof."

Amend House bill 294, page 8, Section 8, by striking therefrom the words "any Alabama good road" in line 1.

Amend House bill 294, page 9, Section 10, line 18, by striking therefrom the following words, "Paid up."

Amend House bill 294, page 18, Section 28, line 19, by striking therefrom the word "and."

Amend House bill 294, page 22, Section 36, line 13, by striking therefrom the word "Mail," and inserting in lieu thereof the following words: ~~registered mail with return receipt demanded.~~

Amend House bill 294, page 22, Section 36, line 23, by striking therefrom the word "mail" and inserting in lieu thereof the following words: "registered mail with return receipt demanded."

Amend House bill 294, Section 36, page 22, line 32, by adding after the word "provided" the following words: "The failure to give or receive the notice required in this section shall not invalidate such assessment, ~~provided however that the taxpayer~~ shall have the right at any time before the taxes become delinquent to appear before the Board of Review and protest against the increase made in valuation of his property, if satisfactory proof is made that the taxpayer or his agent did not receive notice of such increase."

Amend House bill 294, page 22, Section 36, line 39, by adding after the word "Auditor," the following: "The tax assessor shall be allowed twenty-five cents for each notice served as provided in this Act, where the assessed valuation of any taxpayer's property is increased over the valuation as fixed for the preceding year, the same to be charged and collected as fees are collected for delinquent assessments."

Amend House bill 294, page 26, Section 45, line 27, by inserting after the word "taxation" and before the word "and" in line 27, the following words: "and the total amount of tax due."

Amend House bill 294, page 26, Section 45, line 28, by striking therefrom after the word "collector" and before the word "and" in line 30, the following words "and the description of all real property, and name of parties to whom assessed."

Amend House bill 294, page 27, Section 46, by adding after the word "lot" in line 9, the following words: "together with the assessed value thereof."

Amend House bill 294, page 27, Section 47, by striking therefrom on line 24 and line 25 the words: "By the court of county commissioners or board of revenue."

Amend H. 294, page 28, by striking therefrom Section 50 and substituting therefor the following:

"Section 50. The members of the Courts of County Commissioners or Boards of Revenue, or court of like jurisdiction, other than the Probate Judge, of the several counties in the State, together with the tax assessor of such counties and a member or representative of the State Tax Commission, to be designated by said Commission for that purpose, are hereby constituted Boards of Review of the several counties of the State, whose duty it shall be to inspect, review, revise and fix the value on all property returned to or listed with the tax assessor for taxation each year; and it shall be the duty of the tax assessor of the several counties to act as secretary of such boards, provided, however, nothing in this Act shall be construed to require the tax assessor or Boards of Review to value any property required by law to be assessed for taxation by the State Tax Commission. The majority of the Board of Review shall constitute a quorum of such board for the performance of the duties required herein. Provided that in all counties of over seventy-five thousand inhabitants, according to the last or any subsequent Federal census, three members of the Board of Review shall constitute a quorum."

Amend House bill 294, page 29, Section 52, by adding after the word "Revenue" on line 11 the following words "or court of like jurisdiction: Also by striking from line 12 the word "compensation" and inserting in lieu thereof the words "per diem": Also by adding to Section 52, after the word "basis" on line 15, the following: "which compensation shall be in addition to that as now fixed by law, except in counties where such officials are paid a salary."

Amend House bill 294, page 29, Section 53, by striking the words "court of county commissioners or Board of Revenue, the tax assessor" on lines 16 and 17, and inserting in lieu thereof the words "Board of Review herein created"; Also amend Section 53 further by striking therefrom after the word "duties" in line 18 and before the word "in" on line 20, the following words: "as a member of the Board of Review for the purpose of considering the assessment and valuation of taxable property."

Amend House bill 294, page 30, Section 55, by adding after the word "mail" on line 13, the following words: "return receipt demanded."

Amend House bill 294, page 33, Section 63, by striking from line 18 the following words "or by any tax assessor."

Amend House bill 294 by striking therefrom Section 11½ on page 9, and substituting therefor the following:

Section 11½: Remittance for the franchise tax required by Section 10 and 11 shall be made to the State Tax Commission at Montgomery, Alabama, with checks payable to the State Treas-

urer of Alabama. One-third of the franchise tax collected shall be apportioned by the State Tax Commission to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the State Auditor shall draw his warrant payable to the County Treasurer of each county in such proportion, upon certificate of the State Tax Commission.

Amend House bill 294 by striking therefrom Section 24 on page 17 and substituting therefor the following Section 24:

Section 24. The payment of the franchise tax provided herein ~~shall be made to the State Tax Commission of Alabama, at~~ Montgomery, Alabama, with checks made payable to the State Treasurer of Alabama, and the State Tax Commission shall without delay, cover into the State Treasury, taking a receipt therefor, all money received by it in payment of franchise taxes.

Amend House bill 294 by striking therefrom Section 65 on page 33 and substituting therefor the following:

Section 65. The Chairman of the State Tax Commission ~~shall received a salary of four thousand, eight hundred dollars~~ (\$4,800) per annum and the associate members of the State Tax Commission shall receive each a salary of four thousand dollars (\$4,000) per annum for the time that he actually holds office, such salaries to be paid out of the State Treasury in the same manner as the salaries of other State officials are paid.

Amend House bill 294 by striking therefrom Section 66, on pages 33 and 34, and substituting therefor the following:

Section 66. The State Tax Commission may appoint a secretary at a salary of not more than two thousand, four hundred dollars (\$2,400.00) per annum, which salary shall be paid out of the State Treasury in the same manner as the salaries of other State officials are paid. The State Tax Commission may employ such other persons as experts, engineers, stenographers, clerks or assistants as may be necessary for the performance of the duties which may be required of said Commission, and said Commission shall fix the compensation of such other persons, with the approval of the Governor, such compensation to be paid out of the State Treasury upon a warrant drawn by the State Auditor on a certificate or voucher of the Commission approved by the Governor. There is hereby appropriated out of the general treasury the sum of one hundred and twenty-five thousand dollars (\$125,000.00) per annum, or so much thereof as is necessary, for the purpose of paying all expenses not otherwise herein provided for, which the State Tax Commission is authorized to incur under this Act; provided, however, that the salaries of the members and the secretary of the State Tax Commission shall not be charged against this appropriation.

Amend House bill 294, Section 67, sub-division (b), line 42, page 34, by striking therefrom the word "mail" and inserting in lieu thereof the words "registered mail, return receipt demanded."

Amend House bill 294, Section 67, page 37 by adding sub-division (r) to read as follows: (r) The majority of the State Tax Commission shall constitute a quorum.

Amend House bill 294, Section 68, page 41, by adding after the word "property" and before the word "as" in line 5 the following words "by registered mail, return receipt demanded."

Amend House bill 294, Section 68, page 41, by inserting the words "the property involved in the assessment" after the word "located" in line 14.

Amend House bill 294, Section 70, page 41, by striking therefrom the words "be taxed" in line 47, and insert in lieu thereof the word "taxation."

Amend House bill 294, Section 72, page 45, by striking therefrom in line 24, the word "mail" and insert in lieu thereof the words "registered mail, return receipt demanded."

Amend House bill 294, Section 72, page 45, by adding after the word "assessment" in line 34, the following: "provided, however, that the tax payer shall have the right at any time before the taxes become delinquent to appear before the Board of Review and have the assessment of his property reopened, if satisfactory proof is made that the tax payer or his agent did not receive notice of such increase."

Amend House bill 294, Section 72, page 45, line 40, by striking therefrom the word "that," and by striking from line 47 the word "that," and by striking from line 39, page 46 the word "of."

Amend House bill 294, Section 74, page 47, by inserting after the word "power" on line 44 the words "Hydro-Electric Power Companies," and by striking from Section 74, page 48, the following words on line 6, 7, 8, and 9, "Providing, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section."

Amend House bill 294, Section 77, pages 50 and 51, by striking therefrom the following words on lines 46, 47, and 48 on page 50 and lines 1 and 2 on page 51, "Providing, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section."

Amend House bill 294, page 53, Section 79, by striking therefrom on lines 20, 21, 22, 23, and 24, the following words, "Providing, that if any sleeping car company shall pay the license or

privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section."

Amend House bill 294, page 57, Section 81, by striking therefrom the word "mail" on line 13 and inserting in lieu thereof the words "registered mail with return receipt demanded."

Amend House bill 294, page 57, Section 83, by adding thereto after the word "Act" on line 31, the following words: "Provided that all the funds derived by the several counties from said tax shall be expended exclusively for maintenance of roads, highways and bridges in said counties. The use or expenditure of ~~any of said funds in any other manner or for any other purpose~~ than as provided herein, by the governing body of any county or any individual member of said body shall constitute a misdemeanor punishable by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, and by imprisonment in the county jail or at hard labor for the county for not less than one nor more than twelve months. The Chief Examiner of Public Accounts is hereby specially charged with the duty of ~~examining into and determining each year whether or not said funds have been used or expended as herein provided.~~ Whenever said Examiner of Public Accounts discovers a violation of any provision of this section he shall forthwith report same to the Attorney General whose duty it shall be to direct the prosecution of said offense.

Amend H. 294 by adding Section 51½ to read as follows:

Section 51½. Subjects of taxation under this Act and existing laws shall include all the property, real and personal of Hyro-Electric Power Companies.

Amend House bill 294 by adding the following sections:

Section 86-A. That the term of office of all county tax assessors and all county tax collectors be and is hereby extended for a period of two years from the expiration of their present term of office; the incumbent to hold office until his successor is elected and qualified.

Section 86-B. There shall be elected at the general election in November 1926, a tax assessor and a tax collector for each county in the State who shall perform such duties as are prescribed by this Act, or as may now or hereafter, be provided by law, and whose term of office shall be four years beginning October 1st, 1927.

On motion of Mr. Ellis the amendment reported by the Standing Committee on Finance and Taxation was laid upon the table.

COMMITTEE OF THE WHOLE SENATE.

On motion of Mr. Adams, the Senate resolved itself into a Committee of the Whole Senate for consideration of the bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

On motion of Mr. Griffith, Lieutenant Governor McDowell, President of the Senate, was elected Chairman of the Committee of the Whole Senate.

On motion of Mr. Adams, the Committee of the Whole Senate rose, and was discharged.

The Presiding Officer of the Senate again called the Senate to order and upon a call of the roll of the Senate, the following Senators answered to their names, a quorum of the Senate, to-wit:

Messrs:

Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeil	Waddell
Duncan	Hudgens	Oliver	

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Mr. Ellis offered the following amendment to the bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

By Mr. Ellis:

Amend H. 294 so as to read as follows:

A BILL.

To be entitled An Act in reference to and to further provide for the general revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

DEFINITION OF TERMS.

Section 1. That whenever the terms mentioned in this section are employed in this act, they are employed in the following sense: a. The term "property" includes real and personal property. b. The term "real property" shall be held to mean and include not only land, city, town and village lots, but also all other things thereunto pertaining, and all structures, and all other things so annexed or attached thereto as to pass to a vendee by the conveyance of the land or lot. c. The term "personal property" shall be held to mean and include all things other than real property, which have any pecuniary value, investment in bonds, stocks, joint stock companies, or otherwise. d. The term "money" or "moneys" shall be held to mean and include gold, silver, and other coin, bills of exchange, bank bills, or other

bills or notes authorized to be circulated as money, whether in possession, or on deposit subject to the draft of the depositor, or the person having beneficial interest therein, on demand. e. The term "improvements" includes all buildings, structures, walls, fences, and any other thing erected upon or affixed to the land. f. The term "credit" includes every claim and demand for money, labor, merchandise, or other valuable thing. g. The term "person" or "party" or other word or words importing the singular number shall be held to include firms, companies, associations, and corporations, and all words in the plural number shall apply to single individuals in all cases in which the spirit and intent of this act require it; and all words importing the masculine gender shall also apply to females; and all words importing the present tense shall also apply to the future. h. The term "merchant" as used in this act also includes all persons, co-partnerships or corporations engaged in trading or dealing in any kind of goods, wares, merchandise, either on land or in steamboats, wharfboats, or other craft stationed or plying on the waters of this State, whether such goods or merchandise be kept on hand for sale, or the same be purchased and delivered for profit as ordered. i. The term "value" means the fair and reasonable market value of the taxable property, and shall be estimated at the price at which the property would bring at a fair voluntary sale.

Section 2. The following property and persons shall be exempt from ad valorem taxation and none other: (a) All bonds of the United States and this State, and all county and municipal bonds issued by counties and municipalities in this State; all property, real and personal, of the United States and this State, and of county and municipal corporations in this State; all cemeteries; all property, real and personal, used exclusively for religious worship, for schools or for purposes purely charitable; provided, however, that property, real or personal, owned by any educational, religious or charitable institution, society or corporation, let for rent or hire or for use for business purposes, shall not be exempt from taxation, notwithstanding the income from such property shall be used exclusively for educational, religious or charitable purposes; all mortgages, together with the notes, debts, and credits secured thereby on real and personal property situated in this State, which mortgages have been filed for record and the privilege tax paid thereon; all money on deposit in any bank or banking institution in this State and all other solvent credits; all warrants issued by county boards of education and city boards of education for the purpose of erecting, repairing, furnishing school buildings or for other school purposes, are exempted from taxation. (A-1)

"All property, real or personal, used exclusively for hospital purposes, to the amount of twenty thousand dollars, where such hospitals maintain wards for charity patients and give treatment to such patients, provided that the treatment of charity patients constitutes at least fifteen per cent of the business of such hospital. (a-2) All property owned by the American Legion or any post thereof, provided that such property is used and occupied exclusively by the said organization. (b) All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institution. (c) The libraries of ministers of the gospel, and all libraries other than those of a professional character, and all religious books kept for sale by ministers of the gospel and colporteurs. (d) All deaf mutes and insane and blind persons, and their property to the extent of one thousand dollars. (e) From poll tax, all persons permanently disabled whose taxable property does not exceed five hundred dollars. (f) All family portraits. (g) All cotton or other agricultural products which have been raised or grown during the current or preceding calendar year, and which shall remain in the hands of the producer thereof, or his landlord, or in the hands of the purchaser purchasing the same for prompt shipment; all cotton or other agricultural products in the hands of the manufacturer which have been produced in the State of Alabama during the current calendar year; provisions and supplies on hand for the current year for the use of the family and the making of the crop; all wearing apparel; farming tools to the value of one hundred dollars; tools and implements of mechanics to the value of one hundred dollars; and the following property to be selected by the head of each family and not to exceed in the aggregate one hundred and fifty dollars; namely, cows, calves, hogs, sheep, household and kitchen furniture, and sewing machines; provided that no property or subject of taxation mentioned in this subsection shall be exempt from taxation, nor shall any credit, abatement, or reduction be allowed therefrom unless such property, or subject of taxation is entered by the taxpayer upon an assessment list and returned by him under oath to the tax assessor. (h) That no license or taxation of any character, except franchise taxes provided by Section 229 of the Constitution of the State of Alabama, shall be collected or required to be paid to the State, or any county or municipality therein, by any State or county fair, agricultural association, stock, kennel or poultry show, athletic stadiums owned and controlled by universities, schools or colleges, and which are used exclusively for the purpose of promoting intercollegiate or inter-school athletics. Provided that the revenue received from athletic stadiums when admission is

charged shall be used for the benefit of athletic associations of such universities, colleges or schools. (i) All raw material, including coke, produced in Alabama, during the current calendar year, when stocked at any plant or furnace, for manufacturing purposes in Alabama. (j) All manufactured articles, including pig iron, in the hands of the producer or manufacturer thereof, and at the place of production or manufacture, shall be exempt from taxation for twelve months after its production or manufacture. (k) All property both real and personal owned by any unit or organization of the Alabama National Guard, ~~officially recognized as such by the Federal Government and organized and maintained by the State,~~ and all property owned by others and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama National Guard, the annual rent or hire of which is not in excess of the annual State, county and municipal taxes on said property shall be and is hereby exempted from taxation by the State, and the county and municipality in which the same may be situated. ~~(g 1) All poultry raised or kept by any person and of value not more than \$100.00."~~

Section 2-A. The rate of taxation for State purposes shall be sixty-five one-hundredths of one per cent per annum on the assessed value of the taxable property within this State.

Section 2-B. There is hereby levied for the purpose and upon the property hereinafter named and not specifically exempted from taxation and the property named in all other revenue laws of this State not specifically repealed by this Act annual taxes as follows, to-wit: a. For the maintenance of the public schools of this State, thirty cents on each one hundred dollars of the assessed value of taxable property. b. For the relief of needy Confederate soldiers and sailors, resident citizens of Alabama, and their widows, ten cents on each one hundred dollars of the assessed value of taxable property. c. For the use of the State and to raise revenue therefor, twenty-five cents on each one hundred dollars of the assessed value of taxable property.

Section 3. All taxes, unless otherwise provided by law, shall become due and payable on the first day of October in each year and shall become delinquent, if not paid before the first day of January succeeding, except in cases when parties have moved or are about to move from the county, and except in cases when parties are closing out or going out of business, and except in cases where insolvency is impending, and except in cases where goods, wares and merchandise are advertised for sale at auction, bankrupt, insolvent, assignment, or fire sales, or where said goods, wares and merchandise are advertised for sale for the satisfaction of creditors, or as closing out or going out of busi-

ness sale, or in any way where a person is disposing of substantially all of his taxable property in the county in which cases such taxes shall become due and payable at once. Advertisements in the newspapers or otherwise, of a sale of any personal property as a closing out sale, fire sale, bankrupt sale, or any sale of like character shall be prima facie evidence that the collection of taxes due on such property so advertised is endangered within the meaning of this section.

Section 4. All taxable property within this State shall be assessed for the purpose of taxation at sixty per cent of its fair and reasonable market value.

Section 41½. Mortgages: No mortgage, deed of trust, contract of conditional sale, or other instrument of like character which is given to secure the payment of any debt, and which conveys any real or personal property situated within this State, or any interest therein, shall be received for record unless the following privilege or license taxes shall have been paid upon such instrument before the same shall be offered for record, to-wit: Upon all such instruments which are executed to secure any indebtedness which shall not exceed one hundred dollars, there shall be paid the sum of fifteen cents, and upon all instruments which shall be executed to secure the indebtedness of more than one hundred dollars there shall be paid the sum of fifteen cents for each one hundred dollars of such indebtedness, or fraction thereof, which is secured by said mortgage, deed of trust, contract of conditional sale, or other instrument of like character.

(b) If any part of the indebtedness which the mortgagor or debtor in any other instrument is authorized to incur under the terms of the instrument has not been, or will not be, presently incurred at the time such instrument is offered for record, the tax shall be paid on the amount of indebtedness presently incurred, and the State Tax Commission, upon the petition of the owner of any such instrument, or upon the petition of the agent or attorney of such owner, shall ascertain to its own satisfaction the amount then taxable, and the amount to be incurred thereafter, and determine the amount upon which the tax shall be paid at the time such instrument is offered for record, and shall endorse its findings on such instrument. Upon the presentation of such instrument, with such endorsement thereon, the Judge of Probate of any county in which the instrument is offered for record, upon the payment of the tax upon the amount so ascertained by the State Tax Commission and the recording fees of the probate judge, shall accept the same for record. The State Tax Commission shall also require the owner of such instrument to execute a bond, in an amount sufficient to secure the State the privilege tax to become due and payable under this section upon

the amount of the indebtedness to be incurred thereafter, such bond to be approved by the State Tax Commission and payable to the State of Alabama, and conditioned that the owner of such instrument will promptly report to the said State Tax Commission and to the probate judge of the county where said instrument is first filed for record, whenever such owner or his successor in interest incurs any additional indebtedness thereunder, and the amount so incurred; and that the said owner of such instrument will pay or cause to be paid to the judge of probate of the county in which said mortgage is first filed the privilege or license tax required under this section, upon the accrual of any additional indebtedness, and that the said owner of such instrument will report to the said probate judge and the State Tax Commission during the month of September of each year the amount of all indebtedness and all bonds, debentures, notes or other forms of indebtedness, incurred or certified and delivered under said instrument to such date, and the amount so certified and delivered during the preceding twelve months, and the aggregate of all such evidences of indebtedness certified and delivered under such instrument prior to such year. The bond executed to secure payment of the tax herein required shall cover a term of five years, and after the expiration of said term of five years, the owner of the instrument offered for record shall execute such further bond as may be required by the State Tax Commission covering the succeeding term of five years, and thereafter every term of five years, in the same manner so long as any of the indebtedness authorized to be incurred by such instrument has not been incurred, with like condition and in such sum as the said Commission may prescribe: (c) That when any deed is filed for record which recites that part of the purchase money is unpaid, such deed to the extent of such unpaid balance shall be held and treated as a mortgage, and the mortgage tax shall be collected by the judge of probate in addition to the tax for recording the instrument as a deed before recording the same, unless said balance of purchase money shall be secured by mortgage or deed trust which has already been filed for record, and the tax thereon paid, and the fact of such prior payment shall be endorsed on the deed. When any such deed is recorded and the tax thereon is paid, and thereafter a mortgage securing the debt is filed for record, the same shall be admitted to record without the payment of the mortgage tax and the fact of such prior payment shall be endorsed on the deed. (d) The privilege taxes required by law to be paid on mortgages, deeds of trust and similar instrument shall not be required on or for the filing of any such instrument, provided additional or sub-

stituted security for any indebtedness secured by an instrument previously filed, upon the filing of which the taxes provided by law have been paid or which was filed at a time when no such privilege taxes were required by law, provided the secured indebtedness remains unchanged in amount and in time of maturity. (e) Upon the filing for record of such mortgage, deed of trust, contract of conditional sale or other instrument of like character, the person to whom the same shall be made payable, or his agent shall present the said instrument to the judge of probate, of the county in which the property conveyed thereby, or any part thereof is situated, and shall pay to the probate judge the amount of the tax required under this section to be paid upon such mortgage, deed of trust, contract of conditional sale, or other instrument of like character, and upon such payment the probate judge or his clerk shall certify on said mortgage, deed of trust, contract of conditional sale, or other instrument of like character, the fact that the said tax has been paid, and when so certified by the probate judge or his clerk, such instrument shall be admitted to record in any county wherein any of the property mentioned in said instrument is situated, without the payment of any further tax thereon, except the fee to the probate judge for recording such instrument, and such certificate of the probate judge shall be recorded by such probate judge when such instrument is recorded. The tax herein provided for shall be paid upon all contracts for the sale of real or personal property, whether the same be in the nature of a conditional sale, or a bond for title, and no such contract shall be received for record until such tax shall have been paid. (f) When the time for the payment of the indebtedness secured by any such mortgage, deed of trust, contract of conditional sale, or other instrument in the nature of a mortgage, is extended or renewed, and the extent or renewal contract is offered for record the tax required in this section shall be paid on the amount of indebtedness so extended or renewed; and the same shall be governed in all respects by the provisions of this sub-division. There shall be no ad valorem tax collected on any such instrument, or the debt secured thereby which shall have paid the tax prescribed by this section, either State, county or municipal. (g) Of the taxes collected by the probate judge under this section there shall be paid to the county treasurer of the county in which such taxes are collected one-third of the amount collected by him, to be accounted for by him, and the remaining two-thirds of said amount collected, to the State treasury. The probate judge shall receive five per cent of the amount collected by him as compensation for his services in collecting said money, and certifying said instrument, said five to be retained by him out of the moneys

collected by him under this section; but when the property described in said instrument is situated within different counties within this State, then the probate judge who collects said taxes shall pay over the amount due the county treasury to the county treasurer of each of the different counties in which said property is situated an amount of said taxes that would be in proportion to the value of the property therein as compared to the value of the whole property within this State described in said instrument. (h) If any part of the property embraced or described in any instrument which is required under this section to pay a record privilege tax is located without this State, the indebtedness upon which the tax shall be paid for the privilege of recording such instrument shall be that proportion of the indebtedness secured by the instrument which the value of the property located in this State bears to the whole property described in said instrument. The State Tax Commission may ascertain the value of the whole property, and of that part of it which is located within this State, for the purpose of ascertaining the amount of the indebtedness upon which said tax shall be paid. And the value of that part of the property located within this State and the amount of the indebtedness upon which such tax shall be paid shall be ascertained in the following manner: First, the owner of any such instrument, or his agent, or attorney, may petition the State Tax Commission to ascertain the value of the whole property, and of that part of which is located within this State, and the amount of the indebtedness upon which such tax shall be paid, and the State Tax Commission, after hearing such evidence as may be offered, shall fix and determine the value of that part of the property located within this State and the amount of the indebtedness upon which the tax shall be paid and shall endorse its findings on such instrument and upon the presentation of said instrument, with such endorsements, to the probate judge of the county in which any part of the property is located, such instrument upon the payment of the tax upon the amount of such indebtedness as so ascertained by said State Tax Commission and of the recording fees of the probate judge; or, second, the owner of any such instrument, or his agent or attorney, may have such instrument recorded by paying to the probate judge of the county in which the instrument is offered for record, the privilege tax on the entire amount of the indebtedness secured by such instrument, and may thereupon present his petitions to the State Tax Commission within thirty days after such instrument is recorded, and it shall be the duty of said commission to ascertain the value of the whole property and of that part of it located within this State, and to fix and determine the amount of the indebtedness upon which the tax shall be paid, and

said commission shall thereupon ascertain such valuation and fix and determine such indebtedness, and shall order the judge of probate to refund the excess of privilege tax collected by him and the probate judge shall comply with such order; and the tax paid upon the entire amount of such indebtedness shall be held by the probate judge until the State Tax Commission determines the amount of the indebtedness upon which such tax shall be paid.

(i) Any probate judge who shall file for record, or shall receive any mortgage, deed of trust or other instrument in the nature of a mortgage, without collecting the recording or registration tax provided for the recording or registration of such instruments, or who shall fail to certify the fact that such tax has been paid before filing and recording of such instrument, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one thousand dollars. (j) Every petition filed with the State Tax Commission to ascertain the amount of the mortgage tax due to be paid under this section shall, when the property conveyed in the instrument offered for record is located in more than one county of the State shall show the value of the property conveyed in each county in which the instrument is to be recorded. (k) Any probate judge who fails to keep the abstract of mortgages or other instruments intended to secure the payment of moneys, which are filed in his office for record, as he is required by law to keep, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than five hundred dollars.

Section 5. Any unincorporated bank, private bank or institution doing a banking business that is not incorporated shall be assessed at sixty per cent of its fair and reasonable market value. For the purpose of aiding in determining the amount of such assessment, the owner, president, cashier or manager of such bank shall under oath file with the tax assessor a statement in duplicate, one of which shall be forwarded to the State Tax Commission at Montgomery, Alabama, showing the capital of such bank, its surplus, undivided profits not included in the surplus, and all real estate owned by said bank and situated in this State, with a description of the same and the value of such real estate and the name of the person or the names of the persons who own said bank, what interest or interests in said bank have been sold during the past twelve months, the price of the same, the name of the sellers, and the purchasers, the annual dividends declared by such bank for the last three years and the amount of the capital, surplus and undivided profits not included in the surplus. The Board of Review or State Tax Commission may examine any person with reference to the matters mentioned in said affidavit, and from all sources of information herein provided for,

and from all other information that may be obtained, the Board of Review shall determine the amount of such capital, surplus, undivided profits not included in the surplus, and the value of the real estate of such bank. From the amount of the sum of the capital, surplus and undivided profits not included in the surplus so determined, the Board of Review shall deduct the value of the real estate of said bank. The bank shall pay a tax on the real estate and on the residue of all of its capital as above determined.

~~Section 51½. Subjects of taxation under this Act and existing laws shall include all the property, real and personal of Hydro-electric Power Companies.~~

Section 6. Every share of any incorporated bank or banking association incorporated under the laws of this State, or any other State, or of the United States, shall be assessed for taxation in the county; and in the city or town where such bank is located at sixty per cent of its fair and reasonable market value. For the purpose of determining the value of such shares, the president or managing officer of such bank or banking association, shall make out and return under oath to the assessor of the county in which such bank is located, and to the State Tax Commission, a list showing the total number of shares of capital of such bank, the name and address of every share-holder, as far as known, the fair and reasonable market value of such shares, and the par value thereof, what sales of stock have been made during the last twelve months, with the names of the sellers and buyers thereof, and the price paid for same, the annual dividends declared upon the stock for the last three years, the value of the shares as shown by the books of the bank by the last report of the officers to the shareholders, the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such president or managing officer shall at the same time in the manner required by law, return to the assessor a statement of all real estate and improvements thereon, and furniture and fixtures, owned by the bank situated in this State and liable for taxation. The value of the shares of such bank for taxation shall be fixed by the Board of Review and said Board of Review in fixing such value shall deduct from the total of the shares the reasonable market value of the real estate and improvements thereon, and the furniture and fixtures belonging to such bank and assessed for taxation, and sixty per cent of the residue after such deduction shall be the assessed value of such shares, and such residue divided by the whole number of shares, shall constitute the assessed value of each share for taxation. It is the intent and meaning of this section that the real estate of every bank shall be assessed against the bank as other real estate in

this State is assessed to the owners thereof, and that such bank shall pay the taxes thereon, and that the shares shall be assessed for taxation against the shareholders at sixty per cent of their fair and reasonable market value, as above determined after deducting therefrom the reasonable market value of the real estate and improvements thereon, and furniture and fixtures of the bank and that the bank shall pay for the shareholders respectively the tax so assessed, against their shares. In arriving at the fair and reasonable market value of the shares, there must be considered everything which gives them value, such as franchise, capital and assets of the bank, the real and personal property, the reserve fund and surplus, the undivided profits not included in the surplus, and all other interests of the shareholders that would pass to a purchaser on a transfer of his stock, and except as herein expressly provided, no separate tax shall be levied upon these elements, of value or any of them. It shall be no ground of objection to such assessment of shares that it is entered upon the assessment book in the corporate name of the bank.

Section 6½. When any incorporated bank has one or more branches, the president or managing officer, in making out the statement required in the preceding section, shall in addition thereto furnish the tax assessor with a statement of the different locations of the branches of said bank and the names of the counties and towns where situated. Any incorporated bank having one or more branches shall pay taxes on the real estate and improvements thereon, in the county, city or town, where such real estate, furniture and fixtures are situated. The total value of the shares of such bank for State, county, school district and municipal taxation shall be as fixed and determined by the proper legal authorities in the county of its principal place of business and when the total value of such shares has been so determined it shall be the duty of the tax assessor of said county to certify to the tax assessor of each county wherein a branch is located the assessed value of the shares of such bank to be assessed for taxation in each place where such branch is located, but the amount of such assessment shall be ascertained by dividing the total value of such shares by the whole number of places where said bank does business or maintains branches, it being the true intent and purpose of this section, that in each county, and in each school district and in each municipality where a branch bank is located, the real estate and improvements thereon and furniture and fixtures located therein and an equal proportion of said shares based upon the whole number of places where said bank does business shall be assessed therein and taxes collected therein on such property and proportion of shares.

Section 7. The reports required from Banks by the preceding sections shall be made on blanks furnished by the State Tax Commission. The failure of any Banks to make the report required herein for the assessment for ad valorem taxation by December 31st of the year for which the tax is to be assessed shall subject such Bank to a penalty of five dollars per day for each day's delinquency, which penalty may be collected by suit in the name of the State in any court of competent jurisdiction in Montgomery County, Alabama.

Section 8. Every share of any domestic corporation, except ~~banks or banking associations and building and loan associations~~ shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or chief office in the State, and shall be assessed at sixty per cent of its fair and reasonable market value to the person in whose name such shares stand on the books of the corporation, and not to the corporation. The president or managing officer of every such corporation shall make out and return under oath to the tax assessor and to ~~the State Tax Commission~~ a list showing the total number of shares of capital stock of such corporation, and the par value thereof, and the full name and residence of each stockholder, as far as known, the actual market value thereof, the date of the last sale of stock in such corporation, with the name of the seller and the purchaser and the price paid for the same, and the annual dividend declared on the stock of such corporation, for the last three years, and the value of the shares as shown by the books of the corporation, and by the last report of the officers to the share holders, and the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such other information as may be required by the State Tax Commission. There shall be attached to the copy of the return made to the State Tax Commission a balance sheet showing the condition of such corporation at the close of its fiscal period next preceding October 1st of the year for which the assessment is to be made. The president or managing officer shall at the same time return to the State Tax Commission and the tax assessor a sworn statement of all taxable property, real and personal owned by such corporation, situated in the State, and the State Tax Commission, after passing upon such return, shall deduct from the total value of the shares the reasonable market value of the real and personal property of the corporation as shown to be by the tax return of the corporation, and sixty per cent of the residue of value remaining after such deduction shall be the assessed value of the whole of such shares, and such sixty per cent of the residue divided by the whole number of shares, shall constitute the value of each share for taxation. Provided, however, that if any property owned by a corporation, which prop-

erty is subject to taxation in this State, is omitted from the tax return filed by the corporation, the same shall be assessed as an escape item or items of taxation in the same manner as escaped property of individuals is assessed and the value of such omitted property shall not be deducted from the value of the shares of stock of the corporation as assessed for taxation. The corporation shall pay for the shareholders the tax assessed against his shares, and the amount so paid for any shareholder shall be a lien on any interest which such shareholder may have in any property owned by the corporation. In arriving at the value of the shares of the stock of a corporation organized under the laws of Alabama for the purpose of conducting an insurance business, there shall be deducted from the value of such shares, in addition to the assessed value of its property, (the amount of its bonds of the State of Alabama, or bonds of any county or municipality thereof, and of the United States), held by such insurance corporation at the time of such assessment, which said bonds were held during all the six months preceding such assessment. If the aggregate value of shares does not exceed the aggregate value of the real and personal property of the corporation as returned for taxation, then no tax shall be demanded or collected on the shares, and no other deduction shall be made from the aggregate amount or sum at which the real and personal property of the corporation is returned for taxation than is herein specifically provided for. Provided that any corporation within the provisions of this section shall be entitled, for the purpose of arriving at the value of shares for taxation, to have deducted from the value of its shares as returned, the assessed value of property owned by such corporation in other states or in other counties of this State on the next preceding first of October. The State Tax Commission and the tax assessor shall have a right to demand and receive of said corporation a certified copy of the assessment of any property outside of the State of Alabama sought to be deducted as above provided. The State Tax Commission shall deliver said assessment to the tax assessor with its other assessments of property in the county and notice of such assessment shall be given as in other cases. It shall be no ground for objection to such assessment of shares that the same is entered upon the assessment books in the name of the corporation. Provided that no shareholder of any corporation which pays a tax on its franchise or intangible property shall be liable for the taxes specified in this section as to the same property.

Section 9. The reports required from corporations by the preceding sections shall be made on blanks furnished by the State Tax Commission. The failure of corporations to make the reports required herein for the assessment for ad valorem taxa-

tion, by December 31st of the year for which the tax is to be assessed shall subject such corporation to a penalty of five dollars per day for each day's delinquency, which penalty may be collected by suit in the name of the State in any court of competent jurisdiction in Montgomery County, Alabama.

Section 10. Every corporation organized under the laws of this State except strictly benevolent, educational or religious corporations shall pay annually to the State an annual franchise tax of sixty cents on each one thousand dollars of its capital stock.

~~Section 11. That every corporation organized under the~~
laws of any other State, nation or territory, and doing business in this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of sixty cents on each one thousand dollars of the actual amount of capital employed in this State. In ascertaining the annual franchise tax which shall be paid by any foreign corporation doing business in this State under this section, there shall be deducted from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporations in this State, and which shall be secured by existing mortgage or mortgages to it on real estate in this State, and upon which mortgages there shall have been paid the recording privilege tax provided by law.

Section 11½. Remittance for the franchise tax required by sections 10 and 11 shall be made to the State Tax Commission, at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama. One-third of the franchise tax collected shall be apportioned by the State Tax Commission to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the State Auditor shall draw his warrant payable to the county treasurer of each county in such proportion, upon certificate of the State Tax Commission.

Section 12. The president or any executive officer or the secretary of every domestic corporation subject to the franchise tax under this Act shall make a written statement under oath to the State Tax Commission showing the following facts: (1) The date and place of incorporation and the total amount of subscribed stock with which it began business; (2) the total authorized capital stock of the corporation; (3) a brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties; (4) the balance sheet of such corporation as shown after closing its books on December 31st preceding or after closing its books at the end of its preceding fiscal year; (5) such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due. The president or

any executive officer or the secretary of every foreign corporation subject to the franchise tax under this act shall make a written statement under oath to the State Tax Commission showing the following facts:

First. The date and place of incorporation, and the date such corporation qualified to do business in this State. Second. The total amount of its capital employed in this State. 3. A brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties. 4. The amount of capital employed in this State which is secured by existing mortgages on real estate in this State, upon which mortgages there shall have been paid the recording privilege tax provided by law. 5. Such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due.

The statement required by this section shall be made on blanks prepared and furnished by the State Tax Commission on application of the corporation or otherwise, such blanks to be paid for out of the general appropriation for printing.

Such written statements under oath to the State Tax Commission shall be made and filed with said State Tax Commission between the first day of January and the fifteenth day of March of the calendar year for the franchise tax to be paid for that calendar year.

Section 13. Any corporation failing to make the report required by the next preceding section, or to furnish all the information demanded, on or before the fifteenth day of March of each year, shall be subject to a penalty of ten dollars a day for each day's failure, unless the time for filing the report has been extended by the State Tax Commission, or unless the State Tax Commission shall for good and sufficient cause remit the penalty provided in this section. Any suit for the collection of this penalty shall be brought in the name of the State in any court of competent jurisdiction in Montgomery County, Alabama.

Section 14. If any domestic corporation is organized after the first day of July of any year, or if any foreign corporation qualifies to do business in the State of Alabama after the first day of July of any year, the amount of the franchise tax levied by this act shall be, for the remainder of the calendar year in which said corporation is organized or qualified to do business, one-half of the year's tax.

Section 15. The franchise tax of domestic and foreign corporations as authorized and levied by this act shall run according to the calendar year and shall be due on the first day of April of each year for the tax of the current calendar year. Such corporation shall be allowed thirty days after the first day

of April within which to pay said tax, but if delinquency continues after thirty days there shall be collected a penalty of five per cent for each month or part thereof that the tax shall remain unpaid after the beginning of the delinquent period. A foreign corporation, however, which has complied with provisions of this act as to filing a sworn statement shall not be considered delinquent nor subject to the five per cent monthly penalty until after thirty days from the date of the assessment against it by the State Tax Commission. Nothing in this section shall prevent suit against a foreign corporation which has failed to make ~~the required report without an assessment first having been made against it by the State Tax Commission. The State Tax Commission, may for good cause remit the penalties provided in this section.~~

Section 16. The reports to the State Tax Commission by any corporation, domestic or foreign, for the purpose of determining the amount of franchise tax due by such corporation shall be made upon blanks to be furnished by the State Tax Commission, and it shall be the duty of said Commission to mail to the corporations such blanks, ~~provided that the mailing of such blanks to a domestic corporation shall be a notice to such corporation that the payment of the franchise tax provided by this act is due to be paid on the first day of April, and will be delinquent after thirty days from such date. And the due date of payment and the time of delinquency shall be printed in a prominent space on the front page of the blank forms herein provided in "red letters."~~ All blank forms required for franchise tax reports shall be paid for out of the general appropriation for printing.

Section 17. That whenever a corporation shall be dissolved in this State by an agreement of the stockholders filed in the office of the probate judge of the county wherein the corporation was organized, such probate judge shall at once give notice to the State Tax Commission and Secretary of State of such dissolution, with the name of the corporation, the amount of its capital stock, and the date of the dissolution; and whenever a dissolution of a corporation organized under the laws of this State shall take place by decree of a court, upon the filing of a bill under the laws of this State by the creditors or stockholders, the clerk of said court shall at once notify the State Tax Commission and Secretary of State of such dissolution, giving the name of the corporation, the amount of its capital stock and the date of such decree of dissolution. In any cases where petitions are filed in any court by the creditors or stockholders for the dissolution of a corporation in case of insolvency thereof, the clerk of said court shall give notice of said suit and the pendency

thereof to the State Tax Commission in order that the State Tax Commission may file a petition in the cause in the court for the purpose of collecting any unpaid franchise tax owing by said corporation. The failure of any probate judge or clerk of a court to make the report required by this section within thirty days from the date of dissolution shall subject such probate judge or clerk to a penalty of one dollar a day for each day's failure to make said report after the expiration of thirty days from said date of such dissolution.

Section 18. The State Tax Commission shall, as soon as possible after the required report has been filed with it by a foreign corporation, ascertain and assess the amount of franchise tax due by such corporation. Such assessment shall be duly made and entered on the minutes of the Commission and the Commission shall thereupon notify such corporation by registered mail of the date and amount of the assessment. This assessment shall have the full force and effect of a judgment on which execution may be issued by the State Tax Commission, directed to any sheriff in Alabama, unless the corporation appeals from such assessment as allowed by this Act.

Section 19. The State Tax Commission may summon before it any officer or employee of the corporation, or any other witness, swear and examine them with respect to any fact showing the amount of franchise tax due by such corporation, and the State Tax Commission or its representatives shall be allowed to examine any books, papers or documents of the corporation except reports, records of or copies of reports made to the Federal Government by or for the corporation for tax purposes, and if any corporation shall refuse to allow such examination to be made at their main office or principal place of business in Alabama, the State Tax Commission may require the production before it at the court house in the county in Alabama where the corporation has its main office or principal place of business of any books, papers or documents, except reports, records of or copies of reports made to the Federal Government by or for the corporation for tax purposes. The summons of witnesses to appear before it or the notice to corporations to produce books, papers or documents before it may be issued in the name of the State Tax Commission, signed by the Secretary of said Commission, such summons or notice shall be directed to any sheriff of the State of Alabama and must be served by any sheriff to whom such summons or notice is delivered by the State Tax Commission for service. The State Tax Commission, any member thereof, or any authorized agent of said Commission, is given full authority to inspect or examine, during business hours at the office of the corporation in this State where its books are

kept, or, if said books are kept outside of the State, then at the office outside of the State where such books are kept by the corporation, all books, papers or documents of said corporation. Any person who wilfully fails to appear before the Commission after being summoned as a witness or having appeared refuses to testify as to any material matters required of him by the Commission, or any corporation or any agent thereof who refuses to produce before the Commission after notice given him, any books, papers or documents required to be produced, or any corporation or agent thereof in custody of the books, papers or documents of the corporation who refuses to allow said State Tax Commission, any member thereof, or any authorized agent of said Commission, to inspect or examine said books, papers or documents at the office of said corporation during business hours, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and may also be imprisoned in the county jail for not longer than thirty days.

Section 20. Either the State or the foreign corporation may appeal from the final assessment made by the State Tax Commission to the Circuit Court of Montgomery County sitting in equity, by filing notice of appeal with the Secretary of the State Tax Commission and with the register of the Circuit Court of Montgomery County, within fifteen days from the date of said final assessment made and entered on the minutes of the Commission, as required by this Act. The State Tax Commission is required to give immediate notice to the Attorney General of said final assessment. In addition to filing notice of appeal, the corporation must give bond, to be approved by the register of the Circuit Court of Montgomery County, in double the amount of said final assessment, payable to the State of Alabama and conditioned to pay such judgment as may be rendered against it in the Circuit Court. If the assessment appealed from by the corporation is sustained in the Circuit Court, the five per cent penalty provided for herein shall be calculated to the date of the judgment and included as a part of the judgment against the corporation in the Circuit Court. If the judgment against the corporation in the Circuit Court is for a less amount than the assessment made by the State Tax Commission, the said five per cent monthly penalty shall not be included in the judgment against the corporation.

Section 21. The payment of the franchise tax required by this act shall not exempt any corporation paying same from the payment of any regular license or privilege tax required by law for the engaging in or carrying on any business for which a

license or privilege tax is required of individuals, firms or corporations.

Section 22. Each domestic corporation immediately on its organization shall make and file with the State Tax Commission the statement required by this Act. Every probate judge of the State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the newly organized corporation in making the required report. A failure to make the required report and file same with the State Tax Commission within ten days after the date of organization shall subject the corporation to a penalty of ten dollars a day for each days' failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record the State Tax Commission may remit the penalties against all parties liable therefor on filing of the required report and payment of the franchise tax due, but not otherwise.

Section 23. Each foreign corporation immediately after qualifying to do business in Alabama shall make and file with the State Tax Commission the statement required by this Act. The Secretary of State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the newly qualified corporation in making the required report. A failure to make the required report and file same with the State Tax Commission within ten days after the said corporation qualifies to do business in Alabama shall subject the corporation and its designated agent in Alabama to a penalty of ten dollars a day for each day's failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record, the State Tax Commission may remit the penalties against all parties liable therefor in filing of the required report and payment of the franchise tax ascertained to be due, but not otherwise. The delinquent foreign corporation under this section, after filing the required report, shall be allowed to appeal from the final assessment of the State Tax Commission in the same manner as non-delinquent foreign corporations. If the assessment appealed from by the corporation is sustained in the Circuit Court of Montgomery County, the penalty provided by this section and the penalty provided by Section 15 of this Act shall be calculated to the date of the judgment and included in the judgment rendered against the corporation in the Circuit Court. If the judgment against the corporation in the Circuit Court is for a less amount than the assessment made by the State Tax

Commission, then the five per cent penalty provided by this Act shall not be included in the judgment against the corporation.

Section 24. The payment of the franchise tax provided herein shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with checks made payable to the State Treasurer of Alabama, and the State Tax Commission shall without delay, cover into the State Treasury, taking a receipt therefor, all money received by it in payment of franchise taxes.

Section 25. The first franchise tax to be collected under this act will be for the calendar year commencing January 1st, 1924. ~~The provisions of the 1919 revenue law as to the amount and due date of franchise taxes shall remain in force until December 31st, 1923.~~

Section 26. There may be collected as hereinafter provided, from every person in this State over the age of twenty-one years and under the age of forty-five years, not exempt by law, the sum of one dollar and fifty cents as poll tax, which shall be applied exclusively in aid of the public school fund in the counties ~~in which it is levied and collected.~~

Section 27. ~~The State Auditor with the approval of the Governor,~~ shall prepare and have printed suitable forms of poll tax receipts, with appropriate blanks for name, color, sex, address, precinct or ward, and year for which paid and date of payment. Before the first day of October of each year he shall furnish to the several tax collectors a supply of blank receipts, countersigned by him, sufficient for the probable wants of the several counties, taking the tax collector's receipt for same. Each blank receipt for such poll tax shall have a duplicate attached thereto, on which shall be printed such matter as the auditor may prescribe, the number of such receipt and appropriate blank spaces to be filled in by the tax collector, showing by whom paid, and when and for what year, and shall take and file in his office a proper receipt from the tax collector for the poll tax receipt so furnished him.

Section 28. Each year the tax collector of each county shall prepare, on or before the fifteenth of March, and shall file in the office of the judge of probate of their respective counties an alphabetical list by beats and voting districts, containing names of all persons in said county, their sex and color, who have, on or before the first day of February of the current year, paid a poll tax, and giving the number of poll tax receipt issued to each person. Said names, with the information as to color and sex of each person, and number of poll tax receipt shall be entered in a suitable book for that purpose, provided at the expense of the county.

Section 29. For the service required in the preceding section, when performed, the several tax collectors shall be entitled

to the sum of two and one-half cents for each name so entered, to be paid out of the general fund of their respective counties, on the warrant of the probate judge, provided, however, no tax collector shall receive any compensation for the service required in the preceding section unless he shall have complied with the provisions therein.

Section 30. It is the duty of every person in every election precinct to attend in person before the assessor on the first day of the appointment in the precinct of the taxpayers' residence, and then and there render to the assessor under oath a full and complete list of all property of which he was owner, or in which he had any interest whatever, or of which he was trustee or agent on the first day of October of that year, and to enter upon such paper the amount of fire insurance carried upon any of the property so listed. The land and improvements thereon must be separately listed. On failure of the taxpayer for thirty days after demand or notice by the tax assessor, to furnish a sufficient description of his real estate, said tax assessor shall secure such description from the records of conveyance in the office of the probate court of his county, and if he is unable to get a sufficient description from such records, then by a survey of property by the county surveyor or otherwise, and the reasonable expenses incident thereto shall be allowed by the commissioners court or board of revenue, and paid out of the general fund of the county wherein the property involved is located, and such amount as is allowed shall be added as costs to the taxes assessed against such taxpayer, and when collected shall be covered into the general fund of the county.

Section 30½. The Tax Assessor or his Deputy, or any other officer administering the oath to the person making return of property for taxation, must orally administer the following oath to every taxpayer before making his returns: "You do solemnly swear that you will true answers make to all lawful questions which may be put to you touching the returns you are about to make, and that you will make a full and complete return of all property owned by you, or in which you had any interest whatever or of which you were trustee or agent on the first day of October of the present tax year, and that you will make a full, complete and true statement of the amount of fire insurance thereon, and this return is made upon your personal knowledge, so help you God."

Section 31. After administering the foregoing oath, the assessor, his deputy or other officer shall particularly inquire of the taxpayer as to the items of property and subjects of taxation owned by the taxpayer, and for which he is liable to be taxed, and property exempt from taxation, which shall be listed by

items, in order that he may elicit from the taxpayer a complete statement of the whole amount and specified items of property, and subjects of taxation with which he should be charged for purposes of assessment and taxation, and the same shall be entered upon the proper blank, and the tax assessor, his deputy or other officer administering the oath, shall require the taxpayer to give an estimate of the value of each item of personal property, and the taxpayer shall, in making his returns, state how much fire insurance he carries on the improvements on his real estate, and how much fire insurance he carries on his personal property, but nothing in this Act shall be construed as requiring the tax payer to make oath as to the value of the property. Each taxpayer shall give to the assessor his occupation and post office address.

Section 32. Commission merchants, and all persons trading and dealing on commissions, and assignees authorized to sell, and persons having in their possession goods, wares or merchandise belonging to another, and subject to taxation in any county, city or town in Alabama, where said property is located, when the owner of the property does not reside in the county are deemed to be owners of the property in their possession for the purpose of assessment, and unless such goods, wares or merchandise have been otherwise listed for taxation the same shall be assessed to the person, firm or corporation who has such goods in their possession; and in no case shall the assessment be less than sixty per cent of the fair and reasonable market value of the average amount of goods, wares or merchandise so held during the twelve months next preceding the first day of October when same are due to be assessed for taxation. In assessing such stocks of goods, wares or merchandise, the assessor shall require the production of the last inventory taken and attach the same to the tax return list, and if in the judgment of the assessor, such inventory is not correct, or if such time has elapsed since the inventory was taken that it shall have ceased to be reliable as to the value or amount thereof, he shall make report of same to the State Tax Commission.

Section 33. The person giving in such property for taxation shall enter upon said list his estimated value of every item of personal property listed, for the information of the official or officials whose duty it is to fix the assessment valuation of taxable property, but nothing in this act shall be construed as requiring the taxpayer to make oath as to the value of the property. It shall be the duty of the tax assessor to enter upon the tax return in the column provided, the next preceding year's valuation for assessment of real estate and also to note on the tax return list whether there has been any physical change, such as

improvements, etc., since the preceding year's assessment was made. Every person shall enter upon the assessment list his occupation and post office address.

Section 34. For the purpose of assessment, real and personal property shall be estimated at its fair market value, according to the best judgment the assessor and the Board of Review can form upon information, inspection and otherwise, taking into consideration, if real estate, its location, whether in town, city or county, and whether it is vacant, or is occupied or in use, and if occupied and in use, the rent derived therefrom, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, or coal beds, and the amount and character of the improvements thereon; and mineral and timber interests when they have been severed in ownership from the soil, by sale or otherwise, shall be separately assessed.

Section 35. The State Tax Commission or the agents or assistants thereof, may work in an advisory capacity with the several county tax assessors of the State in the assessment and valuation of property. Any valuation fixed by the tax assessor on any property returned for taxation may be approved by the State Tax Commission, which approval, if made, must be shown on each separate return so approved. When a tax return has been so approved by the State Tax Commission, the State has no appeal from such approved assessment. The tax payer, however, may appeal from such assessment in the same manner and within the same time as appeals are allowed from non-approved assessments. The several county tax assessors are required to keep a docket of all non-approved assessments in such form and containing such data as may be prescribed by the State Tax Commission. Such docket shall be furnished to the assessors by the State Tax Commission. The payment for such dockets shall be made out of the general appropriation for printing.

Section 36. The assessor shall, from information entered on the tax return list and from all other information known to him, or which he may procure, proceed to ascertain what, in his best judgment, is a fair and reasonable market value of each item of property returned by or listed to any taxpayer; provided, however, that the assessed value of any real estate or improvements as fixed for taxation for the year next preceding the then current tax year shall be prima facie the basis of the value of such property for assessment for the current tax year and such property shall not be assessed for taxation at a less valuation unless upon evidence submitted to the Board of Review, as provided for herein, it is found that the assessed valuation of the property reviewed should be reduced; and the assessor shall in separate columns, enter on such list such amount and value, and the de-

duction for exemption to which such taxpayer is entitled; and the tax assessor shall also add to such list any item of property subject to taxation, owned by such taxpayer, or in which he has any interest whatever and which he has failed or omitted to place on such list; and the taxpayer shall be given notice by the assessor, by registered mail, return receipt demanded, or in person, of the items of property added to his assessment list after such list has been filed and before the tax assessor has completed his assessment; and the assessor shall, upon demand, furnish the taxpayer with a certified copy of his assessment list so amended. In the event the value of real or personal property of any taxpayer is increased by the Board of Review, herein created, over the assessed value thereof, for the next preceding year, the taxpayer shall be furnished by registered mail, return receipt demanded, or in person, by the Secretary of the Board of Review, with a statement showing separately the value of his personal property, and his real property, and improvements thereon, such statement to be signed by the Chairman of the Board of Review, and also that such taxpayer may file in writing, with the Secretary of the Board of Review, on or before the last Monday in May, objections to any assessed valuation fixed as herein provided. But failure to give or receive the notices required in this section shall not invalidate such assessment. Provided, however, that the taxpayer shall have the right any time before the taxes become delinquent to appear before the Board of Review and have the assessment of his property reopened, if satisfactory proof is made that the taxpayer or his agent did not receive notice of such increase. The expense of postage incurred in carrying out the provisions of this section shall be paid in equal proportions by the county and State, upon a certified statement thereof by the Secretary of the Board of Review, filed with the court of county commissioners, or the Board or Court of like jurisdiction and with the State Auditor. The Tax Assessor shall be allowed twenty-five cents for each notice served as provided in this act, where the assessed valuation of any taxpayer's property is increased over the valuation as fixed for the preceding year, the same to be charged and collected as fees are collected for delinquent assessments.

Section 37. Having failed to procure on verbal or written demand from any delinquent his list of taxable property before the first Monday in February, the assessor shall ascertain from inquiry or otherwise the property and other subjects of taxation upon which such person is liable to be taxed, and shall list and make return thereof upon the proper blank and note upon such returns the failure of the owner after notice to make such return and the accrual of a penalty of ten per cent of the taxes to be assessed thereon.

Section 38. When the assessor shall have completed his work of assessing, valuing and equalizing property, which has been listed for taxation in his county and such valuation shall have been entered on the assessment lists, which shall not be later than the last Monday in March of each year, he shall certify over his signature to the correctness of the returns, showing valuations fixed by him, and he shall at once notify the State Tax Commission by registered mail, that he has completed his assessment, valuation and equalization work and that the tax returns are ready for the review and inspection as provided for in this Act. Such lists of property shall be by the assessor delivered to the Board of Review not later than the second Monday in April.

Section 39. Whenever the tax assessor shall discover that any property has escaped taxation in any assessment within five years next preceding the current year, he shall list, return and value said property for assessment for the years during which same has escaped taxation, and shall also endorse on such returns the year or years for which the property has escaped taxation, and the accrual of a penalty of ten per cent of the taxes assessed thereon for each year. The tax assessor shall give notice of such escape assessment, either in person or by registered mail, to the owner, or to the agent or attorney of such owner, who may appear before the tax assessor in person within twenty (20) days after such notice is given, if there be any objection to the assessment valuation as finally fixed for taxation by the assessor, the property owner may appeal from the assessment to the circuit court of the county in which the property is located at the next regular session of such court after the assessment is made final by the tax assessor, and such property owner shall give bond as provided herein for tax cases appealed to the Circuit Court.

Section 40. No penalties assessed against any property owner or his property for failure to return property for taxation shall be remitted except by order of the State Tax Commission upon proof that the delinquent taxpayer was absent from the State, and had no resident agent therein during the time for making returns of property for taxation, or when such taxpayer labors under the disabilities of minority, or is a lunatic, or upon proof made that he was unable, by reason of sickness, to make such returns in time required by law.

Section 41. Whenever the tax assessor knows or learns of any property, real or personal, subject to taxation in his county, the owner of which he does not know, and which is not embraced in any tax return made to him, prior to the first Monday in February by any taxpayer, he shall list and make upon the proper blank a return describing said property according to the best

information he can obtain and assess the same "owner unknown" at sixty per cent of a fair and reasonable market value, and in any notice or advertisement or motion for decree of sale it shall be described as so returned; and he shall also note the failure of the owner to make such return, and shall also note the accrual of the penalty of ten per cent of the taxes to be assessed thereon. No lands shall be returned to "owner unknown" until the assessor shall have made a demand upon the person, if resident in the county, or by registered mail, if non-resident, whose address is known, to whom such lands or property was last assessed, and the said assessor shall make a diligent inquiry to ascertain the name of the owner of said lands or property. Any assessor or deputy assessor who fails to comply with the requirements of this section shall be guilty of a misdemeanor.

Section 42. The tax assessor must make and enter in an assessment book, suitably ruled and substantially bound, in form as prescribed by the State Tax Commission, a condensed statement of all assessments made during each tax year, showing in separate columns the name of the owner, a description of the real estate and improvements thereon, the assessed value thereof, and the value of the personal property assessed for taxation; and the assessor shall compute and enter opposite the name of each taxpayer the aggregate amount of State, county and special taxes with which such taxpayer is charged. When the hearing of objections to assessments has been completed as herein provided, the tax assessor shall complete the said book by making the proper entries therein, and foot up at the bottom of each page the aggregate amount of such taxes and show in conclusion the aggregate of all such taxes. When appeals have been taken to the Circuit Court, as herein provided, this fact must be stated. Provided that in all counties which may now have or which may hereafter have property, the assessed value of which amounts to one hundred million dollars (\$100,000,000) or more, the assessor shall not be required to prepare a book of assessments as provided for in this section, but in lieu thereof shall be required to arrange in alphabetical order original assessment lists, and cause the same to be permanently bound, and such assessment lists when bound, shall constitute the book of assessments as herein provided, and the certificate of the State Tax Commission, or the agent or assistant thereof provided for in the next section, shall be entered upon each of said bound volumes of assessments. Such assessment lists when bound shall be preserved permanently as a matter of record. In making the tax collector's abstracts, such abstracts shall be made direct from the assessment lists.

Section 43. After the book of assessments has been completed as herein provided, the State Tax Commission or the agent

or assistant thereof, shall certify on the book of assessments that the same has been examined and corrected by him by comparing the book of assessments with the tax returns showing final valuations, both as to items of property and amounts of assessments, and that the amount of State tax is \$..... (here give amount)....., the amount of county taxes is \$..... (here give amount)....., the amount of special tax is \$..... (here give amount)....., specifying the total amount of each of such taxes, and such certificate is to be the warrant to the tax collector of the county to proceed to collect such taxes in the manner directed by law.

Section 44. When the book of assessments has been completed as herein provided, the county tax assessor must without delay make out in triplicate upon forms to be furnished by the State Tax Commission, a complete abstract of all real and personal property as contained in the assessment book of his county, showing the total amount and value of each class of taxable property, and property exempt from taxation, and the amount of taxes on each item, extended in a column; such abstract of assessment must be approved and certified to by the State Tax Commission, one of which the said tax assessor must forward to the State auditor not later than the second Monday in September of each year, one to the State Tax Commission, at Montgomery, and the other he must deliver to the tax collector by said date. The State auditor shall report to the Governor any tax assessor who for five days after the date required has failed to forward to the State auditor the abstract of assessment of his county, and the Governor shall forthwith require of such tax assessor an official report of the cause of such failure.

Section 45. After the book of assessments has been completed as herein provided, the tax assessor must enter in a book in concise form, the amount of taxes assessed against each taxpayer, showing separately the amount of taxes on real estate and personal property and other subjects of taxation, and the total amount of tax due, and the fees of the assessor with a blank for the fees of the collector; and such book he must turn over to the tax collector on or before the fifteenth day of September. For the services rendered by him in preparing such book, he shall receive compensation to be allowed by the court of county commissioners as follows, viz: In counties where the aggregate assessed value of real and personal property amounts to two million dollars or less, one hundred dollars; when the assessed value amounts to more than two million, and not exceeding four million dollars, one hundred and twenty-five dollars; when the assessed values amount to more than four million and not exceeding six million dollars, one hundred and seventy-five dollars;

when the assessed values amount to more than six million and not exceeding eight million dollars, two hundred dollars; when the assessed values amount to more than eight million dollars such compensation as may be fixed by the court of county commissioners, not less than two hundred and fifty and not exceeding six hundred dollars; but any assessor who fails to complete such abstract by the time required shall forfeit all right to compensation.

Section 46. It is the duty of the tax assessor of every county in the State to procure at the expense of the county a book in ~~the form to be prescribed by the State Tax Commission~~, in which he shall enter a complete map and list of all the blocks and lots which have been platted, and the maps of which are recorded in the office of the judge of probate or can be procured within his county, beginning with the lowest numbered block and lot and proceeding in numerical order to the highest, with the name of the owner set opposite each block and lot, together with the assessed value thereof. Each subdivision or addition to any ~~town or city shall be shown by proper headings at the top of each page of such lot book, and by index in the front thereof.~~ The tax assessor shall annually make the entries thereon, for which he may be allowed a reasonable compensation by the court of county commissioners or board of revenue.

Section 47. The tax assessor shall make, or cause to be made, a complete plat book or books of all real estate in the county, unless such book or books have already been provided, in a form to be prescribed by the State Tax Commission, in which the name of the owner shall be entered on each separate subdivision, together with the assessed value thereof. The court of county commissioners or court of like jurisdiction shall pay out of the general fund of the county, for making out the plat books required by this and the preceding section, a reasonable compensation to the person performing said work, which debt shall be a preferred claim against the county.

Section 48. When the tax assessor has reason to believe that any person whose property has been or is due to be assessed for taxation, either for the current tax year or any preceding year, has removed or is about to remove from the county, or that such person is closing out or going out of business by selling or disposing of substantially all of his personal property on which taxes would be due on the next following October first, or where insolvency is impending, or where goods, wares or merchandise are advertised for sale at auction, bankrupt, insolvent, assignment or fire sale, or where goods, wares or merchandise are to be sold or advertised to be sold for the satisfying of creditors, he shall at once notify the tax collector in writing, if the property has been assessed, and if the property has not been assessed, the

assessor shall at once make an assessment against the same and deliver the assessment so made to the tax collector, and on his failure to do so, he shall be liable for the full amount of the tax due on or to become due on such assessment. Advertisements in the newspapers or otherwise of a sale of any property as a closing out sale, bankrupt sale, fire sale, or any sale of like character, shall be prima facie evidence that the collection of taxes due or to become due on the next following October first, on such property, is endangered, within the meaning of this section.

Section 49. The tax assessor shall assess the taxes against each auctioneer, as provided by law, and shall enter the same on his books as in cases of other assessment, and such assessor shall immediately make a statement of such assessment and deliver the same to the tax collector for collection. Such taxes become assessable and payable immediately upon the expiration of each such auction sale.

Section 50. The members of the Courts of County Commissioners or boards of revenue, other than the Judge of Probate, of the several counties of the State, together with the tax assessor of such counties, are hereby constituted a board of review, whose duty it shall be to inspect, review, revise and fix the value of all the property returned to or listed with the tax assessor for taxation each year; and it shall be the duty of the tax assessor of the several counties to act as secretary of such board, provided, however, nothing in this act shall be construed to require the tax assessor or boards of review to value any property required by law to be assessed for taxation by the State Tax Commission. The majority of the board of review shall constitute a quorum of such board for the performance of the duties required herein; provided that at any time the State Tax Commission shall deem it necessary, it may go or send their agent or representative into any county with authority to act in an advisory capacity and in conjunction with the board of review, and acting for the State Tax Commission, in the assessment and valuation of property for taxation, so as to effect and secure fairness and equality of tax assessment in such county and between and among all the counties.

Provided further that in all counties having a population of 75,000 and over according to the last or any subsequent Federal Census, three members of the board of review shall constitute a quorum.

Section 51. It shall be the duty of the members of the Commissioners or other court of like jurisdiction, at the regular February term in 1924, to sit with the tax assessor, and at such sitting select a chairman of the Board of Review herein provided

for; and to make such rules and regulations as may be necessary to carry out the provisions of this act as to the assessment and valuation of property for taxation. (a) The Board of Review shall have authority at any time to make such rules and regulations as it may deem necessary to carry out the provisions of this Act, not in conflict with the provisions hereof.

Section 52. The members of the Courts of County Commissioners or Boards of Revenue, or courts of like jurisdiction of the several counties of the State shall receive, as members of the Board of Review, the same per diem and paid in the same manner as when sitting at a regular term of such Court of County Commissioners or Board of Revenue, when such compensation is fixed on a per diem basis, which compensation shall be in addition to that as now fixed by law, except in counties where such officials are paid a salary.

Section 53. Each member of the Board of Review herein created, before entering upon his duties, in addition to taking the regular oath of office now prescribed by the laws of the State of Alabama, shall take and prescribe to the following oath: "I do solemnly swear that I will faithfully discharge the duties of adjusting tax values, and that I will fix the valuation of all property listed for taxation and submitted for review to the Board of which I am a member, on a basis of its fair and reasonable market value, to the best of my knowledge and ability, so help me God."

Section 54. When the assessor shall have completed the assessment, valuation and equalization work in his county, as provided in this Act, he shall notify each member of the Board of Review and such Board shall meet on the second Monday in April, and sit at the courthouse of the county from day to day until their duties are completed, which shall not be later than the first Monday in May, and shall review, revise, correct and fix the assessment values made by the tax assessor by raising or lowering the assessment of any person, partnership, corporation or association, except such assessments as have been approved by the State Tax Commission, as to any or all of the items of his assessment, in such manner as to secure the assessment of property at sixty per cent of its fair and reasonable market value. The majority of a quorum of the Board of Review shall govern in fixing the value for assessment of all property before them for determination.

Section 55. It shall be the duty of the Board of Review to meet on the second Monday in April and sit as long as may be necessary to carefully examine and inspect all tax returns and assessments delivered to it by the county tax assessor. If the Board finds that any taxpayer has neglected to make a return or

has omitted from his return any property that should be returned, it shall be its duty to make up a return upon the proper blank, with a description of the property to be assessed, which property it shall then proceed to value and equalize in the same manner as other property is valued and equalized by it, and to the value thus placed thereon shall be added a penalty of ten per cent for failure of the owner of such property to properly return the same. The secretary of the Board shall by registered mail return receipt demanded, or in person give notice to the owner of any property which has been omitted from the tax return and has been assessed as provided by this section.

Section 56. Immediately upon the completion of the work of reviewing and adjusting assessed valuations by the Board of Review, required in this act, the tax assessor shall give notice by publication once a week for three consecutive weeks in a newspaper published in the county, and if no newspaper is published in the county, by posting notices in three public places in each precinct of the county, that the assessed valuations of all property listed for taxation have been fixed as provided by law and that the tax return lists showing thereon such assessed valuations are in his office and open for public inspection, and that the Board of Review will sit at the courthouse of the county, on the first Monday in June to consider such protests as may be filed by any taxpayer as herein provided, and that any taxpayer who is not satisfied with the valuations of his property as fixed and entered on the return list as required herein, may file objections in writing to such assessed valuations with the Secretary of said Board, on or before the last Monday in May, and the taxpayer shall set out in such objections filed, the description of each item of property and his reason for making objections to the assessed valuation as placed thereon.

Section 57. For the purpose of hearing objections filed in writing to any assessments or valuations fixed as provided for herein, the Board of Review shall sit at the courthouse in their respective counties on the first Monday in June in each year, from 9 A. M. to 5 P. M., and shall continue as long as may be necessary, provided such sitting shall not be extended beyond the second Monday in July, unless otherwise ordered by the State Tax Commission, to dispose of all cases where objection to valuations or assessments has been filed in writing by any taxpayer, as provided in this act. At such sitting the property owner may appear in person, or by agent or attorney and produce evidence in support of objections if any, to any assessment or valuation theretofore made, and it shall be the duty of the Board of Review to examine under oath any complaining property owner, and to examine any other witnesses under oath as to the fair and reasonable market value of the property of such owner, and if it

is found from the evidence that the valuation theretofore placed was not sixty per cent of the reasonable market value of such property, whether more or less, then the said valuation or assessment shall be corrected so that it will show sixty per cent of a fair and reasonable market value and such corrected amount shall constitute the assessed value of such property. But if it is found from the evidence that the assessed value placed on the property was sixty per cent of a fair and reasonable market value thereof, the said value shall stand as the assessed value of said property, unless an appeal is taken therefrom, as provided by this Act.

Section 58. When the work of hearing objections against values fixed on taxable property, shall have been completed by the Board of Review, the tax assessor shall enter upon the tax return lists the corrected values, if any changes have been made therein, which changed or altered value shall be the taxable value of the property or properties, unless an appeal is taken as herein provided, or unless otherwise ordered by the State Tax Commission.

Section 59. In cases where objection has been made by any taxpayer, his agent or attorney, as provided herein, to the taxable value fixed by the Board of Review, on any property assessed against such taxpayer, and such objections have been overruled by said Board, such taxpayer, his agent or attorney may take an appeal from the action of said Board in overruling his objection, to such valuation, to the Circuit Court of the county in which the taxpayer's property is located; and such taxpayer shall give like bond as provided for herein for tax cases appealed to the Circuit Court.

Section 60. All appeals from the rulings of the Board of Review fixing values of property shall be taken within thirty days after the final decision of said Board fixing the assessed valuation as provided for in this act, and the taxpayer shall give bond with sureties to be approved by the clerk of the court to which the appeal is taken and payable to the State of Alabama, conditioned to pay all costs created by the appeal and abide and perform whatsoever judgment said court may render in the premises. On such appeal either party may demand a trial by jury in the same manner as provided in appeals from justice of the peace courts as in civil cases.

Section 61. The trial upon appeals to the Circuit Court shall be de novo and the Court shall render a judgment ascertaining and fixing the assessable value of property involved. All such appeals shall be set for trial at the first succeeding term of the Court after the appeal is taken; provided, however, that no appeal shall suspend the right of the State and counties to collect from the taxpayer the taxes due upon his property as fixed for

assessment for the preceding tax year, and the taxpayer shall, when the taxes are due, pay all taxes due at the assessed value for the preceding year. From the judgment of the trial court, either the State or the taxpayer may appeal to the Court of Appeals, or to the Supreme Court, as in civil cases, within thirty days from the rendition of the judgment. In the event the judgment of said Court shall be rendered after the taxpayer shall have paid taxes based upon the assessed valuation for such preceding year, then the Court shall render its judgment, determine and fix the assessed valuation of said property as aforesaid; and the taxpayer shall be adjudged to pay the difference required by such increased assessed valuation, and the judgment shall show this fact. Provided, however, that if the court trying the case shall find that the value of the property is less than the assessed value upon which such taxpayer has paid taxes for the year in question, such fact shall be certified by the clerk of the court to the county tax assessor and tax collector and the taxpayer shall be entitled to be paid back the amount in excess of his taxes actually due, by the tax collector, and the tax collector shall have credit therefor as an error in assessment on his settlement with the State and county authorities.

Section 62. The failure of the tax assessor, Board of Review, or the State Tax Commission, to perform any of the duties of assessing and valuing property, or hearing objections to assessment valuations, at the time prescribed, or to complete such duties within the time specified by this act, shall not invalidate any assessment or any act of such tax assessor, Board of Review or State Tax Commission, made or done after the expiration of such time. The duty of the tax assessor to inspect and examine real property in his county is directory and failure to do so shall not invalidate assessments and valuations made by the assessor or the Board of Review or the State Tax Commission.

Section 63. Whenever under the provisions of this act any notice, subpoena, or writing is required to be given or served, the same shall be served by any sheriff in this State or his deputy, or by any lawful constable, of this State, except as otherwise provided by this Act. The compensation of such officer for serving such notice, subpoena, or writing shall be the same as is now allowed the sheriff for summoning witnesses for the Circuit Court in civil cases, which shall be paid by the Court of County Commissioners, or court of like jurisdiction of the county.

Section 64. The Circuit and County Solicitors, together with any special counsel employed by the State Tax Commission, with the approval of the Governor, shall represent the State and county in all tax cases appealed to the Circuit Court. The Circuit and Deputy Solicitors are prohibited from representing tax-

payers in any controversy between such taxpayer and the State or county.

Section 65. The Chairman of the State Tax Commission shall receive a salary of four thousand dollars (\$4,000) per annum and the associate members of the State Tax Commission shall receive each a salary of four thousand dollars (\$4,000) per annum for the time that he actually holds office, such salaries to be paid out of the State treasury in the same manner as the salaries of other State officials are paid.

Section 66. The State Tax Commission may appoint a secretary at a salary of not more than two thousand, four hundred dollars (~~\$2,400.00~~) per annum, which salary shall be paid out of the State Treasury in the same manner as the salaries of other State officials are paid. The State Tax Commission may employ such other persons as experts, engineers, stenographers, clerks or assistants as may be necessary for the performance of the duties which may be required of said Commission, and said Commission shall fix the compensation of such other persons, with the approval of the Governor, such compensation to be paid ~~out of the State treasury upon a warrant drawn by the State~~ Auditor on a certificate or voucher of the Commission approved by the Governor. There is hereby appropriated out of the general treasury the sum of one hundred and twenty-five thousand dollars (\$125,000.00), per annum, or so much thereof as is necessary, for the purpose of paying all expenses not otherwise herein provided for, which the State Tax Commission is authorized to incur under this act; provided, however, that the salaries of the members and the Secretary of the State Tax Commission shall not be charged against this appropriation.

Section 67. It shall be the duty of the State Tax Commission, and it shall have the power and authority, in addition to the authority now in it vested by law, (a) to have and exercise general and complete supervision and control of the valuation, equalization and assessment of property, privilege, or franchises, and of the collection of all property, privilege, license, excise, or corporation franchise taxes, for the State and counties, and of the enforcement of the tax laws of the State, and of the several county tax assessors, and county tax collectors, probate judges, and each and every State and county official, board or commission charged with any duty in the enforcement of tax laws, to the end that all taxable property in the State shall be assessed and taxes shall be imposed and collected thereon in compliance with the law, and that all assessments on property, privileges, and franchises in the State shall be made in exact proportion to the fair and reasonable market value thereof in substantial compliance with the law. (b) To equalize, value and assess, or

cause to be equalized, valued and assessed, any property subject to taxation, and such valuations and assessments it shall enter or cause to be entered in the proper assessment book, or record, or minutes of the proper official, board or tribunal; to set aside all assessments so entered in any assessment book, record or minutes, and, after ten days' notice given the taxpayer which notice shall be given by registered mail, return receipt demanded, of the time and place of hearing, revalue and reassess said property, and cause such revaluation and assessment to be entered in the proper assessment book record or minutes, in lieu of the original valuation and assessment, provided, that no reassessment or revaluation shall be made of any particular assessments from which an appeal is then pending, or if the valuation of the property for that year has been fixed on appeal by the Circuit Court, the Court of Appeals or Supreme Court; provided further that parties may appeal from such revaluation and reassessment to the Circuit Court within like time and in like manner as from the valuation and assessment as fixed by the Board of Review. (c) To confer with, advise and direct the several county tax assessors, county tax collectors, probate judges, Boards or Commissions, and each and every State and county official charged with the assessment and collection of taxes, as to their duties under the laws of this State. (d) To direct suits to be instituted by the Attorney General, Circuit or deputy solicitors, or attorneys specially employed for such purpose, for the collection of any taxes or penalties due the State or any county, or to compel any officer or taxpayer to comply with the provisions of the tax laws; to direct actions, prosecutions and proceedings to be instituted to enforce the laws of this State relating to taxes, penalties, forfeitures and liabilities, and for the punishment of any public officer, or any person or any officer or agent of any corporation, company or association, for failure or neglect to comply with the provisions of the tax laws, and to cause complaints, informations, actions or prosecutions to be made or instituted against any tax assessor, tax collector, probate judge, or other public official, for the removal of such officers for official misconduct or neglect of duty. (e) To require circuit or deputy solicitors, and the Attorney General of the State, to commence and prosecute, within the respective jurisdiction or spheres of official duty of said officers, actions, proceedings and prosecutions for penalties, forfeitures, impeachments, and punishments for violations of the tax laws of the State. (f) To require any public official in the State to report information as to valuation, equalization and assessment of property, privileges or franchises, gross receipts, collection of taxes, receipts from licenses and other sources, methods of taxation,

values of franchises or intangible property or assets subject to taxation, and such other information as may be needful in the work of the State Tax Commission in such form and upon such blanks as the Commission may prescribe and furnish. (g) To require individuals, partnerships, associations and corporations, and the agents, officers and employees thereof, to furnish information concerning their capital, funded or otherwise, gross receipts, net profits or income, excess profits, current assets and liabilities, values of franchises, value of property, earnings, operating and other expenses, bonds, deeds, conduct of business, ~~and all other facts, records, books, papers, documents and other~~ information of any kind demanded which may be needful, in order to enable the Commission to ascertain the value and relative burden to be borne by every kind of property in this State, and to ascertain the proper amount of license, privilege, excise or corporation franchise taxes. (h) To summon witnesses to appear and give testimony, and to procure records, books, papers, documents, and all other information of any kind or character ~~required relating to any matter which the Commission shall have authority to investigate and determine.~~ The witnesses may be summoned by subpoena issued by any member of the Commission, or by the Secretary thereof, in the name of the Commission, directed to any sheriff of Alabama, and returnable to the Commission, which subpoena may be served in like manner as subpoenas issued out of any Circuit Court; or the subpoenas may be served by registered mail, addressed to the witness with return receipt demanded. In either case the subpoenas must be served at least five days previous to the time named therein for the appearance of the witness. Subpoenas duces tecum to any witness to appear and produce any records, books, papers or other documents, may be issued and served in like manner; provided that no officer of any bank or banking institution shall be required to disclose to the Commission or any of its agents or clerks the deposits of its customers. (i) To cause the deposition of witnesses residing within or without the State to be taken upon such notice to the interested party, if any, as the Commission may prescribe, in like manner as depositions of witnesses are taken in actions pending in the circuit court, in any matter which the Commission has authority to investigate and determine. The deposition shall be taken upon a commission issued by the State Tax Commission, or the Secretary thereof, in the name of the Commission, and returnable to the Commission. (j) To visit in a body or separately or by duly authorized agents, the several counties in the State for the purpose of investigating the works and methods of county tax assessors, or other officers or boards charged with the duty of administering

the tax laws of the State; to examine carefully into all cases where evasions or violations of the tax laws are alleged, complained of or discovered, and to ascertain wherein existing laws are defective, or are improperly or negligently administered; and to report the result of the investigation and the facts ascertained to the Governor from time to time when required by him. (k) To investigate the tax system of other States; to thoroughly inform themselves upon the subject of taxation and of the progress made in other States and countries in improving their tax systems; to formulate and recommend such legislation as may be deemed expedient to prevent evasions of existing tax laws, and to secure just and equal taxation and improvements in the system of taxation in this State. (l) To consult and confer with the Governor upon the subject of taxation and the administration of the laws, and progress of the work of the Commission, and to furnish to the Governor from time to time such information as he may require. (m) To transmit to the Governor, thirty days before the meeting of the Legislature, a written report showing all the taxable property in the State and the values of the same, in tabulated form, with recommendations for improvements in the system of taxation in the State, together with suggestions of such measures as the Commission may formulate for the consideration of the Legislature in regard thereto. (n) For good reason shown and entered on the minutes of the Commission, to extend the time for filing any report or written statement required to be filed with the State Tax Commission. (o) To inspect and examine at all reasonable business hours, as a body, separately, or by agents, any books, documents, records or papers kept by any person, firm or corporation. (p) To issue executions, directed to any sheriff of Alabama, on any final assessment or judgment made or rendered by it. (q) To perform such other duties as are or may be imposed on it by law. (r) The majority of the State Tax Commission shall constitute a quorum.

Section 68. Whenever the State Tax Commission has set aside and held for naught any assessment of property, except as otherwise provided herein, it shall give notice by mail, of such action to the Tax Assessor of the county in which the property involved is located and to the owner of such property, by registered mail, return receipt demanded. As soon as practicable after any property assessment has been set aside by the State Tax Commission, the Commission shall make a revaluation and reassessment of the property and give notice to the property owners of such reassessment and revaluation, and in the same notice set a date for the hearing objections, if any be made, to the valuation so fixed, and the hearing of objections shall be held at the office of the State Tax Commission, in Montgomery,

Alabama, or at the court house of the county in which is located, the property involved in the assessment, if demanded by the taxpayer, his agent or attorney, and when such assessment shall have been completed and made final by the Commission it shall notify the tax assessor of each county in which such property so revalued and assessed is situated, of the amount of the assessment in such county, together with a general description of the property as assessed, which the assessor must enter in the book of assessments in addition to the assessment of other real estate and personal property.

Section 69. The Secretary of said Commission shall keep full and correct minutes and records of all hearings, transactions, proceedings, and findings of the Commission, and he shall perform such other duties as may be required of him by law or by said Commission from time to time. The Commission shall make all needful rules, not inconsistent with law, for the orderly, efficient and methodical performance of its duties, and for conducting hearings and other proceedings before it. In any case where notice to a taxpayer is necessary of any proceedings by or before the Commission, and such notice is not specifically provided for in this act, the taxpayer shall be given ten days' notice thereof.

Section 70. That it shall be the duty of the State Tax Commission to examine such of the tax records of the several counties as will enable it to ascertain whether the tax valuation of the various classes of property as made in the respective counties of the State, is reasonably uniform as between the respective counties, and is in proportion to the fair and reasonable market value of the property assessed. The purpose and intent of this act is to bring about as far as practicable an equalization throughout the State of the value of the various classes of property subject to taxation, so that the proportion of the fair market value of the property as fixed for assessment in one county shall be in due proportion to the value of the same classes of property in other counties, fixed on the same basis for assessment, and that such classes of property in every county shall bear their proportion of the tax provided by law. If it shall appear to the said State Tax Commission that in any one or more counties of this State, or in any municipality or precinct of any county, the taxable values upon any one or more classes of property are not reasonably uniform with the values fixed upon the same classes of property in other counties, or are not in proportion to the fair and reasonable market value of such property, the State Tax Commission shall investigate and inquire as to the reason therefor, and after making such investigation and comparison, shall have authority to order and direct the Board of Review to re-adjust and re-equalize the same for the current or succeeding

tax year, so that each item of property will bear its just proportion of the taxes as provided for herein. And the State Tax Commission shall thereupon notify the Secretary of the Board of Review of the county affected, and the State Auditor, that the county, precinct or municipal valuations upon the classes of property specified in said notice will be readjusted as provided herein, and the State Auditor shall thereupon return to said county its tax abstract and other tax returns for correction accordingly.

Section 71. That upon the giving of such notice by the State Tax Commission of the revaluing and re-assessment ordered to be made of property within said county, it shall be the duty of the secretary of the Board of Review receiving such notice to call without delay a meeting of said Board of Review, and to notify the State Tax Commission of the date on which said Board is called to meet, and it shall be the duty of said Board to convene on the day named in such notice, and at such meeting the Board shall re-value and equalize the class or classes of property within the county, precinct, or municipality, as specified by the State Tax Commission, so as to conform to the findings and orders of the State Tax Commission by so re-valuing and equalizing each item of said classes of property so that such item will bear its just proportion of tax as provided by law. If the Board of Review fails or refuses to make the changes and corrections thus ordered to be made by the State Tax Commission, then the State Tax Commission shall itself, from such information it has, or may obtain revalue and equalize the property involved, and the expense of such re-valuation and equalization shall be paid by the county so affected and by the State in the same proportion that the State tax levy and the county tax levy bears to the total State and county levy for ad valorem taxation. In counties where State Tax Commission makes a re-valuation and equalization of property for assessment, the tax assessor shall receive commissions only on the basis of the original assessment as made by him.

Section 72. Whenever the work of re-valuing and equalizing any class or classes of property has been completed by order of the State Tax Commission, as provided herein, and the revised valuation has been entered on the tax return list, the Board of Review shall certify under their signatures to the correctness thereof, and shall deliver said tax return list showing such assessment and re-valuation, to the assessor of the county, as their report and the tax assessor shall hold them in his office subject to public inspection. The Tax Assessor shall then give notice by publication once a week for three consecutive weeks in a newspaper published in the county, if any be published in the county; and if no newspaper is published in the county, by posting notices in at least three public places in the county, that the

Board of Review has returned its report and that the same is open to public inspection, and that said Board will convene at the courthouse in the county on a day to be named and fixed in said notice, to correct any errors in the valuations. In the event the property of any taxpayer is increased by the Board of Review when revaluing and equalizing assessments as provided in this section, over the assessed value as originally fixed by such Board, the taxpayer shall be furnished by registered mail, return receipt demanded, or in person, with a statement showing separately the revised value of his personal property and his real property, and also that such taxpayer may file in writing with the Secretary of the Board of Review within ten days from the date of such notice, objections, if any are made, to the revaluation made as herein provided; and that the Board of Review will sit on a day to be named and fixed in such notice, when the complaining taxpayer, his agent or attorney may appear and produce evidence in support of any objection as filed. But failure to give or receive such notice shall not invalidate any assessment, provided, however, that the taxpayer shall have the right at any time before the taxes become delinquent to appear before the Board of Review and have the assessment of his property reopened, if satisfactory proof is made that the taxpayer or his agent did not receive notice of such increase. It shall be the duty of the Board of Review to convene and sit at the courthouse in their respective counties on the day named and fixed in said notices, and remain in session as long as may be necessary for the purpose of hearing objections, if any, that have been filed in writing against said revaluation or equalization so fixed by said Board; and at such sitting the complaining property owner may appear in person or by agent or attorney and produce evidence in support of objections to assessment valuations as fixed on his property; and it shall be the duty of the Board of Review to examine complainant under oath and to examine any other witnesses under oath, as to the fair and reasonable market value of the property of said owner, and if it finds from the evidence the revaluation placed by it on the property was not sixty per cent of the fair and reasonable market value of such property then it shall correct the valuations and enter such corrected value upon the tax return on which said property is listed for taxation, so that such return will show sixty per cent of the fair and reasonable market value, and such corrected amount so entered by the Board shall constitute the taxable value of such property; but if the said Board shall find from all the evidence that the re-valuations placed by it on the property was sixty per cent of the fair and reasonable market value, then said valuation thus made shall remain and stand as the assessable value for taxation of said property. The revised and corrected property

valuation thus made shall be fixed as the legal valuation of the property for the payment of the taxes, and it shall be the duty of the taxpayer to pay his taxes thereon accordingly. In the event the re-valuation and equalization provided herein is made by the State Tax Commission, the State Tax Commission shall certify to the correctness of the revised tax assessments and the newspaper publication shall be made and notices given as when the Board of Review revalues and equalizes property; that the State Tax Commission will sit on the date fixed in the said notices to hear evidence in support of objections, if any, filed in writing with the tax assessor to re-valuations and equalizations made by it; at such sitting the complaining property owner may appear in person or by agent or attorney and produce evidence in support of objections filed by him in writing to any re-valuation of his property. And it shall be the duty of the State Tax Commission to examine any other witnesses under oath, as to the fair and reasonable market value of the property of said owner, and if it finds from the evidence that the readjusted value placed by it on the property was not sixty per cent of the fair and reasonable market value of such property, then it shall correct the valuations and enter such corrected value upon the tax return on which said property is listed, so that such return will show sixty per cent of the fair and reasonable market value and such corrected amount so entered by the State Tax Commission shall constitute the taxable value of such property; but if the State Tax Commission finds from all the evidence that the valuations placed by it on the property was sixty per cent of the reasonable market value, then said valuations thus made shall remain and stand as the assessable value for taxation of said property. From the re-valuation and equalization made as herein provided, the taxpayer may appeal to the Circuit Court.

Section 73. Any person may be required to appear as a witness before the State Tax Commission and testify to any matter which the State Tax Commission is authorized by law to investigate, and in the event the State Tax Commission or its designated agent is refused access at the place where same are kept, to any records, books, papers or other documents relating to any matter which the State Tax Commission shall have authority to investigate or determine, then such records, books, papers or documents shall be produced before the Commission at the Courthouse of the County in Alabama in which is located the main office or principal place of business of the person, firm or corporation involved in the investigation being made by the State Tax Commission.

In case any witness who has been summoned to testify before the State Tax Commission shall fail or refuse to testify to or make answer to any material question relating to any matter

under investigation or consideration of the Commission, or to produce any records, books, papers or other documents in his custody or control when required to do so, as herein provided, any Circuit Court or Court of like jurisdiction or any judge thereof, upon application of any member of the Commission, shall issue an attachment for such witness and compel him to comply with the summons and to attend before the Commission and produce such books, documents, papers or records and give testimony upon such matters about which he may be lawfully ~~interrogated; and the Court or judge thereof may punish such witness for contempt as in the case of disobedience for a like subpoena issued from such Court for the refusal to testify in any cases pending therein.~~ Any person who wilfully refuses to appear or furnish the information required of him shall be guilty of a misdemeanor.

Section 74. It shall be the duty of the State Tax Commission to assess for taxation all property of all railroads ~~companies, street and suburban railroads, or sleeping car companies,~~ persons or companies ~~operating railroad or street railroads,~~ or suburban railroads or sleeping cars in the State; all express companies, including railroad companies, doing an express business, and all telephone and long distance telephone, and all telegraph companies, person or persons doing an express, telephone or telegraph business; all gas, water, electric light or power, hydro-electric power companies, steam heat, refrigerated air, dockage or crantage, toll road, toll ferries, toll bridges, railroad equipment or navigation companies, and the property of all other public service or public utility corporations, and all property not required by law to be listed for taxation with the county tax assessor; and the owner, the president, general manager, or agent having control of the company's affairs in this State shall make returns of all property of said company located in this State to the State Tax Commission. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000 as provided by law, such company shall not be assessed for taxation under this section.

Section 75. Whenever the State Tax Commission shall have completed the assessment of the property of any person, firm or corporation required by law to be assessed by such Commission, it shall give notice in writing by registered mail to the owner, officer, agent or attorney making such return, or if no return has been made, then such notice to be addressed by registered mail to the party against whom the assessment has been made, giving notice that the assessment of the property has been completed, the date of the final assessment, and the total amount of such assessment.

Section 76. In addition to the persons and property subject to assessment by the State Tax Commission, as provided herein, the State Tax Commission shall also assess for taxation against the owner thereof all rolling stock operated or used over railway lines in this State, when such owner is not the railway company operating or using such stock. The term "rolling stock" shall be held to mean and include all sleeping cars, dining cars, box, coal, ore, fruit, tank, gondola, furniture, automobile or refrigerator cars, or any other cars whatever named, operated or used over any railway lines in this State, if said cars are not otherwise listed for taxation in Alabama. Such assessment so made against each owner of said cars shall be based on the reasonable market value of the average number of cars so operated or used over railway lines in Alabama during the preceding twelve months. The ascertainment of the average number of said cars and their reasonable market value shall be made under such fair and reasonable rules and regulations as may be prescribed by the State Tax Commission. Each owner, or the president, secretary, treasurer, superintendent, or other agent thereof, shall annually before the first Monday in March make and file with the State Tax Commission a statement under oath, on the form prescribed by the State Tax Commission, showing (a) the total number of its cars operated on each railway line in Alabama during the preceding twelve months; (b) the total mileage covered by such cars in Alabama during the preceding twelve months; (c) the total receipts for the operation or use of said cars in Alabama during the preceding twelve months; (d) the separate mileage covered by such cars over each separate railway line in Alabama, and the separate receipts from each separate railway line in Alabama for the preceding twelve months; (e) the reasonable market value of each car operated or used on railway lines in Alabama during the preceding twelve months; (f) the average number of cars operated or used on railway lines in Alabama during the preceding twelve months and the reasonable market value of each car; and such other information as may be required by the State Tax Commission; (g) each railway company in Alabama shall also annually before the first Monday in March make and file with the State Tax Commission, under oath of some executive officer of the railway company, and on such form as may be prescribed by the State Tax Commission, a statement containing, as to all its railway lines in Alabama, all the detail data required of the owner of the rolling stock described in this section. From the reports filed with it by the owner of such rolling stock and by the several railway companies in Alabama, and from such other information as may be obtained by it, the State Tax Commission shall before the first Monday in June of each year, or as soon thereafter as prac-

ticable, assess to each owner of said rolling stock sixty per cent of the reasonable market value of the average number of cars of said owner operated or used on railway lines in Alabama during the preceding twelve months. Whenever the State Tax Commission shall have completed the assessment of the rolling stock required by this section, it shall give notice in writing by registered mail of such assessment, showing the number of cars assessed, the taxable value fixed and the amount of taxes due the State on such assessment.

Section 77. There shall be subject to taxation in this State ~~the franchises, or intangible property and assets of each and every corporation, whether organized under the laws of this State, or of any other State or government, and of each and every individual, association or partnership or company engaged as common carrier, wholly or partly in this State, in the business of transporting freight of any description or passengers, or both, over any railroad, including street railroads, or of operating any cars of any kind over any railroads for the transportation of passengers or of property of any kind for others, or for the public, including sleeping cars, parlor or palace cars, chair cars, equipment cars of any kind, or engaged in the business of maintaining or operating for gain any telegraph or telephone lines, plant or business, or any plant or business for the production, manufacture, distribution or sale of gas, electricity, electric light, electric power, water, steam heat, and refrigerated air or other similar substance, by means of wires, pipes or conduits constructed, operated or maintained on, over, under or through any territory or any street, alley, or highway in this State, or in the business of operating for gain any dockage, wharfage, canal, freight or passenger depots, station or terminals, toll bridges and toll ferries; or engaged in any other business which may be dependent upon the grant of public powers or privileges, or which may involve the operation of any public utility; and of each and every individual, association, partnership, company or corporation which has and exercise~~ under authority granted by charter, statute, or other provision of law, whether of this State, or any political subdivision thereof, or of any other State or government, any special or exclusive privilege, franchise or function, which is or may be dependent upon the grant of public power or privilege, or which involves the operation of any public utility. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section.

Section 78. Between the first day of January and the first day of March in each year, every company, corporation, association and individual embraced within the provisions of Section 74

of this act, or coming otherwise within its scope and intent, shall make out and deliver to the State Tax Commission of Alabama a statement containing the information hereinafter prescribed, which statement shall be duly verified by the affidavit of one of the officers of the company, corporation, or association, or by the individual in whose behalf it is made.

Section 79. Each such statement shall show the following items and particulars as the same stood on the next preceding first day of October, together with any other facts or information that may be called for by said State Tax Commission. 1. The name and principal place of business of the company, corporation, association, or individual in whose behalf the statement is made, and the character of the business engaged in. 2. If a company, association, or corporation, the State or government under the laws of which it was incorporated, or authorized to do business, the date of original organization, the date of re-organization, consolidation or merger, and the purpose of its incorporation as expressed in its charter or articles of association. 3. The place where all books, papers and accounts are kept, and the names and postoffice addresses of the president, secretary, treasurer, superintendent, general manager, general counsel, directors, and all other general officers thereof. 4. The locality of its principal office, the total amount and any kind of business done by it in this State, and the total gross receipts derived from its business in this State, including a due proportion of its interstate business, if it has done any business of that character. 5. Its total authorized capital stock and the number of shares of stock issued and outstanding, and the par or face value of each such share. 6. The market value of said shares of stock; if they have no market value, then the statement must show the actual value thereof, and the highest price at which any share has sold during the next preceding twelve months. 7. A brief statement of each item of real estate and of the improvements thereon, and all the buildings, structures, machinery, fixtures and appliances, and all other tangible property and assets owned and assessed, or liable to assessment for the same year, within this State, and the location and assessed value thereof, and the county, city or town wherein the same is assessed for taxation for State, county and municipal purposes, or is liable to assessment. 8. A brief description of each tract of land and of the improvements thereon, and of the buildings, structures, machinery, fixtures and appliances, and all other tangible property and assets having a fixed situs outside of the State and the location of each item of such property, and the purpose for which it is used, and whether or not it is specifically used in the business of the company, corporation, or association, or individual in whose behalf the report is made, and its true

and fair market value, and the sum of the value at which it is assessed for taxation, and the locality in which it is assessed.

9. A statement of each and every lien, mortgage and other charge upon the whole or any part of the property of said company, corporation or association, or individual, and a detailed statement of all series of bonds, debentures and other securities forming a part of its funded debt, with date and issue, maturity and rate of interest, together with a statement of the property encumbered or charged thereby, and of the total amount of unpaid debts secured by each mortgage, lien or charge, and of the interest charged thereon, and to what extent interest has been paid, and the true and fair market value of every such debt.

10. A statement of the gross income and earnings for the preceding fiscal year of the person, firm, corporation, or association, including therein all interest on investments and all rents, profits, revenues and receipts from every source whatsoever, and a statement of the income used for repairs, and of the amount used for betterment, and the amount used for extension.

~~11. Every railroad company and telegraph company, and every telephone company and every pipe line company, shall show in~~ each statement made by it the following particulars, which are in addition to the foregoing requirements, to-wit: (a) The total length of all lines of said company, whether within or outside the State, and (b) the total length of so much of said lines as are within this State, and (c) the length of its lines in each of the counties and cities and towns of this State into or through which its lines extend. The length of the lines of the telegraph and telephone companies shall be estimated and stated according to its mileage of poles, conduits, or cables, or either. 12. Every sleeping car company, parlor or palace car company, dining car company, chair car company, equipment company and company operating cars of any kind and every other kind over any railroad, shall also in addition to the said foregoing requirements, show by each of its statements (a) the total mileage traveled by the cars of said company during the next preceding twelve months, whether within this State or beyond its borders, and (b) the total mileage traveled by such cars within the State during the same period. Provided, that if any sleeping car company shall pay the license or privilege tax of \$10,000.00 as provided by law, such company shall not be assessed for taxation under this section.

Section 80. Within twenty days after making the valuation of any such franchises or intangible property, the State Tax Commission shall give notice in writing by registered mail, addressed to, or by personal service on any officer, superintendent, cashier or manager or the owner of said franchises or intangible properties, stating the valuation fixed by it and that on a day

specified, it will meet and determine any complaint against said valuation which notice must be served at least ten days before the day fixed for the hearing.

Section 81. Whenever and wherever a notice is required by law to be given by the State Tax Commission, the Board of Review, the tax assessor, or the collector, relating to the assessment and collection of taxes, and the method of giving such notice is not prescribed, then such notice shall be given by registered mail, return receipt demanded, addressed to the last known address of the taxpayer.

Section 82. It shall be the duty of the Courts of County Commissioners or Boards of Revenue of the several counties in this State to supply the Tax Assessor, Tax Collector and Board of Review, with all necessary books, stationery and printed blanks for the proper conduct of their several offices, and failing to do so, the Assessors and Collectors and Board of Review may purchase books, stationery and printed blanks in behalf of the county, and the cost thereof shall be preferred claim against the county.

Section 83. That the net proceeds of the excise tax on gasoline or other liquid motor fuels in this State prescribed by an act of the Legislature of Alabama, entitled, An Act "imposing an excise tax on persons, corporations, co-partnerships, companies or associations engaged in the business of selling, or distributing gasoline, or other liquid motor fuels in this State, providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this Act" approved February 10th, 1923. After payment of all costs and expense of administration and collection, which amount shall not exceed twelve thousand dollars per annum, shall from and after the first day of October, 1923, next after the passage of this Act be divided and distributed equally among the sixty-seven counties of this State to be collected and paid to each of the several counties as provided by the provisions of that Act. Provided that all the funds derived by the several counties from said tax shall be expended exclusively for maintenance and repair of roads, highways and bridges in said counties. The use or expenditure of any of said funds in any other manner or for any other purpose than as provided herein, by the governing body of any county or any individual member of said body shall constitute a misdemeanor punishable by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, and by imprisonment in the county jail or at hard labor for the county for not less than one nor more than twelve months. The Chief Examiner of Public Accounts is hereby specially charged with the duty of examining into and determining each year whether

or not said funds have been used or expended as herein provided. Whenever said Examiner of Public Accounts discovers a violation of any provision of this section he shall forthwith report same to the Attorney General whose duty it shall be to direct the prosecution of said offense.

Section 84. In all counties where county officials are paid on a salary instead of a fee basis, all fees allowed under the terms of this act to be paid to or collected by county officials, shall, by said officials be paid into the county treasury, or to such official ~~performing the duties of county treasurer, except as provided in amendment to Section 197 of General Acts, 1919, approved November 1st, 1921.~~

Section 85. Wherever the terms "County Commissioners," "Court of County Commissioners" or "Boards of Revenue" are used in this act they shall be meant to include "Boards of Road and Revenue Commissioners."

Section 86. ~~All proceedings for the assessment or collection of any taxes now pending before any board or officer whose authority, power or jurisdiction is terminated by this Act, shall be and is immediately transferred from such officer, court or board, to the officer, court or board having authority and jurisdiction under this Act, and shall be prosecuted and proceeded with as if originally commenced by or before such board or officer.~~

Section 86-A. That the term of office of all county tax assessors and all county tax collectors be and is hereby extended for a period of two years from the expiration of their present term of office; the incumbent to hold office until his successor is elected and qualified.

Section 86-B. There shall be elected at the general election in November, 1926, a tax assessor and a tax collector for each county in the State who shall perform such duties as are prescribed by this Act, or as may now or hereafter, be provided by law, and whose term of office shall be four years beginning October 1st, 1927.

Section 87. The State Tax Commission shall have compiled, properly indexed and printed in pamphlet form, two thousand copies of this Act, together with all other laws relating to the revenue of the State, and relating to the assessment of the State and county ad valorem, franchise, license and privilege taxes, and relating to the duties of the several State and county officials in the assessment and collection of such taxes. The cost of compiling, indexing and printing shall not exceed one thousand dollars, which amount, or as much thereof as may be necessary, is hereby appropriated for this purpose and the State auditor shall issue a warrant for the same upon a certificate of the chairman of the State Tax Commission.

Section 88. That Sections one, two, six, seven, eight, nine, twelve, seventeen, eighteen, nineteen, nineteen and one-half, twenty, twenty-one, twenty-two, twenty-four, twenty-five, twenty-five and one-half, twenty-six, twenty-seven, twenty-eight, thirty-two, thirty-three, thirty-four, forty-four, forty-seven, forty-nine, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-one, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred one, one hundred two, one hundred three, one hundred four, one hundred five, one hundred six, one hundred seven, one hundred eight, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-eight, one hundred thirty-nine, one hundred forty-four, one hundred forty-five, one hundred forty-six, one hundred forty-eight, one hundred fifty-one, one hundred fifty-three, one hundred fifty-seven, one hundred sixty-three, one hundred sixty-seven, one hundred sixty-eight, one hundred seventy, one hundred seventy-one, one hundred eighty, one hundred ninety-one, three hundred nine, three hundred ninety-five, four hundred thirteen of an act entitled "An Act to provide for the general revenue of the State of Alabama, approved September 15th, 1919, be and the same are hereby specifically repealed.

Section 89. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision or portion of this act which is not in and of itself unconstitutional.

Section 90. Except as otherwise provided in this act, all the provisions of this act shall go into effect on the first day of October, 1923.

Section 91. All laws in conflict with the provisions of this act are hereby repealed, provided that all provisions of existing laws relating to taxation and revenue which are not in conflict with the provisions of this act and which are not herein expressly repealed, are not hereby repealed.

Mr. Ellis moved that said amendment to

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

Be adopted, which motion prevailed and the amendment was adopted.

Yeas, 26; nays, 8.

*Yeas:**Messrs:*

Adams	Ellis	Hutson	Overton
Brooks	Foster	Inzer	Pelham
Brower	Griffith	Jones (Conecuh)	Powell
Caffey	Harlan	Middleton	Slone
Carlton	Hildreth	McNeil	Tunstall
Craft	Horton	Oliver	Waddell
Duncan	Hudgens		

—26

*Nays:**Messrs:*

Bonner	Garth	Johnson	Martin
Carmichael	Howle	Jones (Barbour)	Teasley

—8

Mr. Teasley then offered the following amendment to said bill as amended:

"Amend the bill as amended, Section 2, by striking out subsection "J."

Mr. Hildreth moved that said amendment be laid on the table, which motion prevailed and the amendment was tabled.

Yeas. 26; nays, 6.

*Yeas:**Messrs:*

Adams	Craft	Horton	Oliver
Bonner	Duncan	Hudgens	Overton
Brooks	Ellis	Hutson	Pelham
Brower	Foster	Inzer	Powell
Caffey	Griffith	Jones (Conecuh)	Tunstall
Carlton	Harlan	McNeil	Waddell
Carmichael	Hildreth		

—26

*Nays:**Messrs:*

Howle	Jones (Barbour)	Middleton	Teasley
Johnson	Martin		

—6

Pending the further consideration of said bill as amended:

RECESS.

At 1:00 P. M., on motion of Mr. Brooks, the Senate took a recess until 2:30 this afternoon.

AFTERNOON SESSION.

Thursday, August 16th, 1923.

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant Governorn McDowell presiding.

ROLL CALL.

Upon a call of the roll, the following members answered to their names, a quorum of the Senate:

Messrs:			
Adams	Ellis	Hutson	Overton
Bonner	Foster	Inzer	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Barbour)	Randall
Caffey	Harlan	Jones (Conecuh)	Slone
Carlton	Hildreth	Martin	Teasley
Carmichael	Horton	Middleton	Tunstall
Craft	Howle	McNeil	Waddell
Duncan	Hudgens	Oliver	

—35

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Foster:

S. 378. To determine the number of children retarded in mental development in the several counties and cities of the State and to provide for their instruction.

Education.

By Mr. Teasley:

S. 379. To provide for the printing and binding of additional copies of the acts and joint resolutions of the Legislature, and payment therefor.

Finance and Taxation.

By Mr. Horton:

S. 380. For the prevention of the pollution of the waters in the State of Alabama in such manner and to such extent as shall injure or destroy the lives of fish which may inhabit such waters.

Fish, Game and Forestry.

By Mr. Brower:

S. 381. To empower municipal corporations having a population of 100,000 inhabitants, or more, according to the last or any subsequent Federal census, to provide for, regulate, and restrict the segregation of business, industrial and residential sections, the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the distance of buildings from streets, alleys or other public ways, the distance between building, the density of population and the location and use of buildings, structures and land; to divide the municipality into zones or districts; to regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or lands within such zones or districts, and the housing or residence therein of the different classes of inhabitants; to provide for the creation of a Zoning Commission, and the power, jurisdiction and authority thereof; to provide for a Board of Zoning Adjustment and define the authority,

powers and functions of such Board of Zoning Adjustment, its procedure and an appeal from its decisions; and to provide remedies for the enforcement of ordinances, resolutions or regulations made by such municipalities under the authority of this Act.

Revision of Laws.

UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the morning session, which was the bill:

~~H. 294. In reference to and to further provide for the general revenue of the State of Alabama.~~

As amended.

Mr. Teasley also offered the following amendment to said bill as amended:

Amend amendment for House bill 294, Section 2, by striking out the words "all cotton or other agricultural products in the hands of the manufacturer which have been produced in the State of Alabama during the current calendar year," where they appear in lines ten and eleven of the printed bill.

Which was, on motion of Mr. Ellis, laid on the table.

Mr. Teasley also offered the following amendment to said bill as amended:

Amend amendment for House bill 294 by striking from Section 2 the words "and all other solvent credits" where they appear in line twenty of the printed bill.

Which was, on motion of Mr. Ellis, laid on the table.

Mr. Martin offered the following amendment to said bill as amended, to-wit:

Amend Section 50, by striking therefrom, beginning with the word "Provided," and strike the remaining words in said section.

Which was, on motion of Mr. Hildreth, laid on the table.

Mr. Jones of Barbour offered the following amendment to said bill as amended:

Amend amendment for House bill No. 294 by striking out division (b) of Section 67 thereof.

Mr. Hildreth moved that said amendment be laid on the table, which motion prevailed, and the amendment was tabled.

Yeas, 24; nays, 10.

Yeas:

Messrs:

Adams
Bonner
Brooks
Brower
Caffey
Carlton

Craft
Duncan
Ellis
Foster
Griffith
Hildreth

Horton
Hutson
Inzer
Jones (Conecuh)
McNeil
Oliver

Overton
Powell
Randall
Teasley
Tunstall
Waddell

Nays:

Messrs:

Carmichael

Garth

Howle

Hudgens

Johnson

Jones (Barbour)

Martin

Middleton

Pelham

Slone

—10

Mr. Duncan offered the following amendment to said bill as amended:

Amend Section 51½, line six by changing period to comma after companies and adding the words tangible and intangible.

Which amendment was, on motion of Mr. Ellis, laid on the table.

Mr. Johnson offered the following amendment to said bill as amended, to-wit:

Amend amendment to amendment to H. 294, the bill by striking out Section 86 on page 52.

And the amendment was, on motion of Mr. Ellis, laid on the table.

And said bill:

H. 294. In reference to and to further provide for the general revenue of the State of Alabama.

As amended, was then read a third time at length and passed. Yeas, 28; nays, 5.

Yeas:

Messrs:

Adams

Brooks

Brower

Caffey

Carlton

Craft

Duncan

Ellis

Foster

Griffith

Harlan

Hildreth

Horton

Hudgens

Hutson

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)

Middleton

McNeil

Oliver

Overton

Pelham

Randall

Teasley

Tunstall

Waddell

—28

Nays:

Messrs:

Bonner

Carmichael

Garth

Howle

Martin

—5

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Culver:

H. J. R. 108. Whereas, the several educational institutions in Alabama have responded to requests from the Veterans' Bureau, formerly the Federal Board for Vocational Education, in providing training facilities so far as such facilities were available for the training of ex-service men, and

Whereas, the Veterans' Bureau has provided these institutions with some additional equipment necessary for the training of such men, and now that the number of trainees is rapidly diminishing and those left are being assembled at concentrated points, thereby making it unnecessary for such State institutions to provide for the training, and

Whereas, there remains in such institutions equipment of various kinds which was used in the Veterans' Bureau training program, be it resolved:

First: That the attention of the Governor of Alabama be called to the fact that such equipment is the property of the United States Government and is subject to removal after contracts for training courses are no longer effective;

Second: That the Governor be requested to petition the proper authorities requesting that such equipment be donated to the co-operating institutions, or, if it is inconsistent with the policy of the Veterans' Bureau to donate this equipment, to offer it for sale to the institution at a minimum cost.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 108, set out in the foregoing message from the House, was read and referred to the Standing Committee on Education.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

H. 639. To provide for the establishment, conduct, development, equipment, improvement, and maintenance by cities having a population of one hundred thousand or more according to the last or any subsequent Federal census, of parks, park areas, park boulevards, playgrounds, park and playground systems, recreation centers, and other recreational facilities and activities; to define the powers and duties of such cities and their governing bodies in connection with all such matters; and to create a park and recreation board in all such cities, provide for the selection, terms of office, removal from office, qualifications and duties of the members thereof, and to define the powers of such board.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 639. To the Committee on Municipalities and Municipal Organizations.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 534. To provide for the relief of H. W. Slaughter, of Baldwin County, Alabama.

With notice and proof hereto attached and exhibited as follows:

NOTICE.

Notice is hereby given that I will make application to the Legislature of Alabama for passage of an act to refund to me \$68.00 paid into the State Treasury for lands sold to me by the State, which proved to be United States unappropriated Government lands, and to which the State had no title.

H. W. Slaughter.

AFFIDAVIT OF PUBLICATION.

State of Alabama, }
Baldwin County. }

R. N. Vail, being duly sworn, deposes and says that he is the owner of the Baldwin Times, a weekly newspaper published in Bay Minette, Baldwin County, Alabama; that the notice hereto attached of H. W. Slaughter was published in said newspaper for four consecutive weeks in the following issues: Date of first publication, June 21, 1923, Vol. 34, No. 19; date of second publication, June 28, 1923, Vol. 34, No. 20; date of third publication, July 5, 1923, Vol. 34, No. 21; date of fourth publication, July 12, 1923, Vol. 34, No. 22.

R. B. Vail.

Subscribed and sworn to before the undersigned this 18th day of July, 1923.

W. C. Beehl,
Notary Public.

Also:

H. 547. For relief of Scotteen Coal, Inc., to pay it the sum of \$46.98 due it by the State of Alabama, and the sum of \$23.49 due it by Jefferson County, Alabama, for franchise taxes erroneously collected by the State Tax Commission for the year 1921.

With notice and proof hereto attached and exhibited as follows:

TO WHOM IT MAY CONCERN.

Notice is hereby given that Scottenn Coal, Inc., of Birmingham, Alabama, will apply to the State Legislature for the passage of a law refund-

ing to the said Scottenn Coal Company the sum of \$70.46, heretofore erroneously collected by the State Tax Commission as Franchise Taxes for the year 1921.

Scottenn Coal, Inc.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, Mary Mosley, Notary Public in and for said State and County, J. H. F. Mosley, who, being duly sworn, deposes and says that he is Editor and Manager of the Labor Advocate, a weekly newspaper published at Birmingham, Alabama; and that the advertisement notice attached hereto was published in the Labor Advocate on the following dates: February 10-17-24, March 3, 1923.

J. H. F. Mosley.

Sworn to and subscribed before me, this 23rd day of July, 1923.
(Seal)

Mary Mosley,
Notary Public.

Also:

H. 626. To authorize, empower and require the commissioners Court, Board of Revenue, or other Court of like jurisdiction of Shelby County, Alabama, to pay to the Sheriff of Shelby County, out of the funds of the County Treasury of said County, the sum of Ten Dollars for each still or device captured, destroyed or confiscated in said County made, or used for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the County Treasury of Shelby County on the presentation of claim by the Sheriff of Shelby County having attached to the same an affidavit of said Sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same. Said payment to be made by warrant drawn against the County Treasury by the Commissioners Court, Board of Revenue or other Court of like jurisdiction, said warrant to be a preferred claim against the Treasury of said County.

With notice and proof hereto attached and exhibited as follows:

NOTICE.

Notice is hereby given that a bill will be introduced for passage in the Legislature of Alabama, when it re-convenes in July 1923, authorizing, empowering and requiring the Commissioners Court, Board of Revenue, or other court of like jurisdiction of Shelby county, Alabama, to pay to the Sheriff of Shelby county, out of funds of the county treasury of said county, the sum of ten dollars for each still or device captured, destroyed or confiscated in said county made, or used, for the manufacture of spirituous or alcoholic liquor, and to provide for the payment of said sum by proper warrant on the county treasury of Shelby county on the presentation of claim by the sheriff of Shelby county having attached to same an affidavit of said sheriff stating when and where, as near as possible, said still or device was captured or destroyed, the kind and capacity of same.

Said payment to be made by warrant drawn against the county treasury by the Commissioners Court, Board of Revenue or other court of like jurisdiction. Said warrant to be a preferred claim against the treasury of said county.

This the 16th day of June 1923.

J. J. Falkner.

State of Alabama, }
Shelby County. }

Personally appeared before me, a Judge of Probate in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the publisher of the Shelby County Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: June 21, 1923, June 28, 1923, July 5, 1923, and July 12, 1923.

Luther Fowler.

Subscribed and sworn to before me this 24th day of July 1923.

L. B. Ridelle,
Judge of Probate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

H. 351. To fix the salary of the Deputy Solicitor for Escambia County, Alabama, and provide for the manner of payment of the same.

With notice and proof hereto attached and exhibited as follows:

PUBLIC NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the 1923 session thereof, for the passage of the following bill, to-wit:

A bill to be entitled an Act to fix the salary of the Deputy Solicitor for Escambia County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of the Deputy Solicitor for Escambia County, Alabama, be, and the same hereby is, fixed at the sum of Twelve Hundred (\$1200.00) Dollars per year, payable out of the county treasury in monthly installments of One Hundred (\$100.00) Dollars per month, in the same manner and under the same conditions as now provided by law.

Section 2. That, all laws and parts of laws now in conflict with the provisions of this Act are hereby repealed.

Section 3. The provisions of this Act shall take effect immediately upon its approval by the Governor.

PROOF OF PUBLICATION.

I, W. E. Brooks, publisher of The Brewton Standard, a weekly newspaper published at Brewton, Escambia County, Alabama, do hereby state under oath that the annexed printed clipping is a true copy of the publication in said newspaper, clipped from one of the original issues of said newspaper and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates, to-wit:

January 11th, 1923; January 18th, 1923; January 25th, 1923; February 1st, 1923.

W. E. Brooks,
Publisher of The Brewton Standard.

Sworn to and subscribed before me this 6th day of July, 1923.
(Seal)

O. L. Larkins,
Notary Public.

Also:

H. 175. To amend Sections 5, 12, and 13 of an Act entitled, "To establish and provide for State-wide eradication of the cattle fever tick (*margaropus-annulatus*) and any other tick that shall be found to carry a disease producing infection to cattle or any other domestic animals, approved February 7, 1919.

Also:

H. 374. To provide the manner of disbursement of funds derivable from sales and collections by the United States of properties and rentals in connection with the Alabama National Forest located in Lawrence, Winston and Franklin Counties, Alabama; to direct the disposition of said funds by and within the several counties.

Also:

H. 500. For the relief of J. P. Hanks and to appropriate for the said J. P. Hanks, the sum of four hundred and thirty-two (\$432.00) dollars, for services rendered by him as clerk or secretary of the Alabama Public Service Commission.

Also:

H. 519. To amend an Act entitled "An Act to provide a manner of selling all of the property of a private corporation," approved April 21st, 1911.

Also:

H. 605. To authorize county boards of education in counties of two hundred thousand (200,000) or more population according to the Federal census of 1920 or any subsequent Federal census; to create and maintain pension funds for teachers; to make and collect assessments against teachers' salaries to be placed to the credit of pension funds; to accept gifts and bequests to pension funds; and to require said boards of education to retire on pension teachers who meet conditions hereinafter set forth.

Also:

H. 614. To fix and regulate the compensation of the deputy circuit clerk of the criminal division of the circuit court in all counties of the State having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

Also:

H. 574. To create in all cities in the State of Alabama, having a population of not less than fifty thousand and not more than one hundred and fifty thousand, according to the last or any sub-

sequent Federal census, special funds to be known as "Police-men's and Firemen's Pension and Relief Funds;" to provide for the setting apart of such funds, to create a pension and relief system applicable to member of the police and fire departments in said cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief, and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the police and fire departments in said cities during their disability, and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pensioning of members of such police and fire departments after service therein; to provide for the appropriation for funeral expenses upon the death of such member; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds, and for the appointment of trustees and a board of pensions for all purposes in connection herewith; to provide penalties for violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House messages were severally read once and referred to appropriate Standing Committees as follows:

H. Nos. 534, 547, 626. To the Committee on Finance and Taxation.

H. Nos. 351, 614. To the Committee on Local Legislation.

H. Nos. 374, 519. To the Committee on Judiciary.

H. 500. To the Committee on Commerce and Common Carriers.

H. 605. To the Committee on Education.

H. 574. To the Committee on Municipalities and Municipal Organizations.

H. 175. To the Committee on County and County Boundaries.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 397. To rearrange and redistrict the commissioner's court districts of Pickens County, Alabama.

Also:

H. 262. To further regulate the workings of the public roads in Coosa County, Alabama.

~~Also:~~

~~H. 371. To amend Section 5896 of the 1907 Code of Alabama.~~

Also:

H. 308. To adopt a Code of Laws for the State of Alabama.

Also:

H. 307. To provide for the publication and distribution of Code of Alabama.

~~Also:~~

~~H. 525. To fix the compensation of circuit judges of the State of Alabama in circuits which are composed of only one county, having more than two judges and less than nine judges, or in circuits which may hereafter be composed of only one county, having more than two judges and less than nine judges, and to provide that a portion of said compensation be paid out of the county treasuries of the counties constituting the respective circuits.~~

J. H. Stewart,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Goodwyn:

H. J. R. 107. Whereas, the service rendered to the United States by our American homes is the supreme source of our country's strength and inspiration; and,

Whereas, we honor ourselves, our homes, state and nation when we do anything to give emphasis to the home as the fountain head of the State; and,

Whereas, the American mother has done, and is doing, so much for the home, the moral and industrial uplift and religion, hence so much for good government, patriotism, humanity and religion; therefore,

Be it resolved by the House, the Senate concurring, that the Governor of this State is hereby authorized and requested to issue annually a Proclamation calling upon our State Officials to display the United States flag on all State and school buildings, and the people of the State to display the flag at their homes, lodges, churches, places of business and other suitable places, on the

Second Sunday in May, Known as MOTHER'S DAY, founded by Anna Jarvis of Philadelphia, Pa., as a public expression of love and reverence for the homes of our State, especially for their mothers and other patriotic women therein, and that the Governor urge the celebration of MOTHER'S DAY in said Proclamation in such a way as will deepen home-ties, and inspire better homes and closer unions between the commonwealth, its homes, and their sons and daughters.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE.

H. J. R. 107, set out in the foregoing message from the House, was read and referred to the Standing Committee on Education.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Pursuant to written notice heretofore given, Mr. Jones of Barbour moved that the bill:

S. 189. To provide for the enforcement of the provisions of section two hundred and eighty of the Constitution of the State of Alabama; and to provide that no person shall hold more than one office of profit under this State with certain exceptions; to provide penalties for the violation thereof, and to define the terms thereof.

Be taken from the Adverse Calendar, read a second time and placed on the regular calendar, which motion was lost.

Yeas, 11; nays, 20.

Yeas:

Messrs:

Bonner

Craft

Griffith

Howle

Johnson

Jones (Barbour)

Jones (Conecuh)

Middleton

Overton

Pelham

Teasley

*Nays:***Messrs:**

Adams	Duncan	Hildreth	Oliver
Brooks	Ellis	Horton	Powell
Caffey	Foster	Hudgens	Randall
Carlton	Garth	Inzer	Slone
Carmichael	Harlan	McNeil	Tunstall

—20

MESSAGE FROM THE HOUSE.

Mr. President:

~~The Speaker of the House having signed the following House bills, your signature thereto is requested:~~

H. 471. To authorize all cities and towns in this State to purchase sanitary sewers, or sanitary sewer systems, and to assess the cost of the same against the property abutting on and drained by them; to prescribe the method of procedure in purchasing such sewers or sewer systems and in levying assessments against the property abutting on and drained by them; and to ~~authorize the issuance of bonds for the purpose of providing funds to pay the cost of the same.~~

Also:

H. 410. To provide for the election of the county superintendent of education of and for Conecuh County, Alabama, by the qualified electors of said county, to prescribe the qualifications and duties of such officers and the length of time he shall hold office and to fix his compensation and how same shall be paid.

Also:

H. 152. To create the office of County Treasurer of Chilton County, Alabama, to define the duties of such office; to fix the term of the office, and to prescribe the salary; and to provide for the election of the County Treasurer of Chilton County, Alabama by the qualified voters of said county.

Also:

H. 286. To provide for the election of a county superintendent of education for Butler County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers and duties, to provide for a special election to be held to elect such county superintendent under this Act and to provide for the election of his successor in office.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING.

The bill:

S. 227. To require insurance companies to do business of insurance in this State through licensed agents only. To provide for licensing insurance agents, to prescribe the method of investigating and hearing complaints against insurance agents by the Commissioner of Insurance, and to authorize the Commissioner of Insurance to revoke or suspend the license of insurance agents for cause.

Was taken up.

The Standing Committee on Banking and Insurance offered the following amendment to said bill, to-wit:

Amend S. 227 by striking out the word "Montgomery" where it appears in line 6 on page 3 in Section 4 and insert in lieu thereof the following word "The." Amend further by adding after the word County in line 6 on page 3 in Section 4 the following "In which such agent resides."

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Hutson	Oliver
Bonner	Foster	Inzer	Overton
Brooks	Garth	Johnsen	Pelham
Brower	Griffith	Jones (Conecuh)	Randall
Carlton	Harlan	Martin	Slone
Carmichael	Hildreth	Middleton	Teasley
Craft	Horton	McNeil	Tunstall
Duncan	Hudgens		

—30

Nays:—None.

Mr. Duncan offered the following amendment to said bill, to-wit:

Amend Section 7 of Senate bill 227 by changing the period at the end of said section to a comma and adding the following words "Or to any mutual insurance company other than life operating under the provisions of the mutual insurance Act approved September the 25th, 1919."

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Adams	Foster	Hutson	Oliver
Bonner	Garth	Inzer	Overton
Brooks	Griffith	Johnson	Pelham
Brower	Harlan	Jones (Conecuh)	Randall
Carlton	Hildreth	Martin	Slone
Craft	Horton	Middleton	Teasley
Duncan	Howle	McNeil	Tunstall
Ellis	Hudgens		

—30

Nays:—None.

~~And said bill as thus amended, was read a third time at length and passed.~~

Yeas, 29; nays, 2.

Yeas:

Messrs:

Bonner	Garth	Inzer	Pelham
Brooks	Griffith	Johnson	Powell
Brower	Harlan	Jones (Barbour)	Randall
Caffey	Hildreth	Jones (Conecuh)	Slone
Carmichael	Horton	Middleton	Teasley
Craft	Hudgens	Oliver	Tunstall
Duncan	Hutson	Overton	Waddell
Ellis			

—29

Nays: Messrs. Martin and McNeil—2.

On motion of Mr. Teasley, the further consideration of the bill:

S. 301. To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government.

Was postponed until the next Legislative Day.

The bill:

S. 338. To amend Section 3441 of the Code of Alabama of 1907.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 1.

Yeas:

Messrs:

Caffey	Harlan	Jones (Barbour)	Powell
Carlton	Hildreth	Martin	Randall
Craft	Horton	Middleton	Slone
Ellis	Howle	McNeil	Teasley
Garth	Hudgens	Overton	Tunstall
Griffith	Johnson	Pelham	Waddell

—24

Nay: Mr. Adams—1.

The bill:

H. 360. "To regulate the duties and compensation of official stenographers in all counties in this State having more than 200,000 population according to the last or any succeeding Federal census."

Was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Howle	McNeil
Bonner	Ellis	Hudgens	Oliver
Brooks	Foster	Hutson	Overton
Brower	Garth	Inzer	Powell
Caffey	Griffith	Johnson	Randall
Carlton	Harlan	Jones (Conecuh)	Slone
Carmichael	Hildreth	Martin	Teasley
Craft	Horton	Middleton	

—31

Nays:—None.

The bill:

H. 365. To authorize and empower the circuit solicitor in all counties in the State of Alabama having five or more circuit judges, or which counties may hereafter have five or more circuit judges, and which circuits is confined to one county and in such county there is a division of the circuit court held at some other place in said county other than the county site, and where the cases arising in the remaining portion of the county are tried at the county site, and where there are elected from that portion of the county other than the county site, a deputy circuit solicitor, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitors, and all assistants or assistance necessary to properly administer justice in such county; to fix their compensation, and the manner of the payment of same; and to incur all necessary expenses to properly administer justice in such counties.

Was taken up.

The Committee on Judiciary offered the following substitute to said bill, to-wit:

Senate Committee Substitute for H. 365:

A BILL

To be entitled an Act to authorize and empower the circuit solicitor in all counties in the State of Alabama having five or more circuit judges, or which counties may hereafter have five or more circuit judges, to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and all assistants or assistance necessary to properly administer justice in such counties and fix their compensation and manner of payment of the same, and to incur all necessary expenses to properly administer justice in such counties, and where there is a division of the circuit court held at some place in such county other than the county site, and ~~where the cases arising in the remaining portion of the county~~ are tried at the county site, and where there is elected from that portion of the county other than the county site a deputy circuit solicitor, to authorize such deputy circuit solicitor to employ or appoint one officer, who shall be under the supervision and control of said deputy circuit solicitor, and to fix the compensation of such officer and the manner of paying the same.

Be it enacted by the Legislature of Alabama:

Section 1. That the circuit solicitor of all counties having five or more circuit judges, or which may hereafter have five or more circuit judges, shall have the power and is hereby given the authority to employ all shorthand reporters necessary to properly report the proceedings before the grand jury and transcribe the same, and stenographer or stenographers for the office work of such solicitor, and fix the compensation of such reporter, stenographer or stenographers, or other assistants, and such compensation shall be payable out of the general fund of said county upon warrants drawn upon the treasurer by the circuit solicitor in favor of such reporter, stenographer, stenographers, or other assistants, as hereinafter provided.

Section 2. That the circuit solicitor shall have the power and he is hereby given the authority to employ any assistants or assistance and to incur any expense he may deem necessary to properly administer justice, and such expense shall be paid out of the solicitor's fund of such county, provided there is a sufficient amount in said fund to pay said compensation or expenses at the time the same is due under the provisions of this Act; provided further, if there is not sufficient amount in said solicitor's fund to pay such compensation or expenses at said time, the

treasurer is hereby authorized and required to pay said amounts out of the general fund of said county, when authorized by the board of revenue, on the warrant drawn by the circuit solicitor, provided that the amount so expended or drawn out of the general fund of said county shall not exceed the sum of seven thousand, five hundred dollars in any one year.

Section 3. That where there is a division of such circuit court which is held at a place other than the county site in such counties having five or more circuit judges or which counties may hereafter have five or more circuit judges, and where the cases arising in the remaining portion of the county are tried at the county site, and where there is elected from that portion of the county other than the county site a deputy circuit solicitor, he, the said deputy circuit solicitor, shall have the power and is hereby given the authority to employ one officer who shall have during his term of office the same power and authority as a deputy sheriff, and who shall be appointed by such deputy circuit solicitor and shall hold office at the will and pleasure of such deputy circuit solicitor. Such officer shall be under the supervision, direction and control of said deputy circuit solicitor and shall be paid a salary, to be fixed by said deputy circuit solicitor not to exceed \$2,400.00 per annum, and payable monthly out of the general fund of said county on the warrant of said deputy circuit solicitor in favor of said officer.

Section 4. That if any paragraph, section, clause or provision of this Act shall be declared or held to be invalid or unconstitutional, the same shall not affect or render invalid any other paragraph, section, clause or provision which is not within itself unconstitutional or invalid.

Section 5. That this Act shall become effective upon its passage.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Howle	Martin
Bonner	Foster	Hudgens	McNeil
Brooks	Garth	Hutson	Overton
Brower	Griffith	Inzer	Pelham
Caffey	Harlan	Johnson	Slone
Carlton	Hildreth	Jones (Conecuh)	Tunstall
Craft	Horton		

—26

Nays:—None.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Hudgens	Overton
Bonner	Foster	Hutson	Pelham
Brooks	Garth	Johnson	Powell
Brower	Griffith	Jones (Conecuh)	Randall
Caffey	Harlan	Martin	Slone
Carlton	Horton	McNeil	Tunstall
Craft	Howle	Oliver	

—27

Nays:—None.

The bill:

~~H. 359. To amend an Act entitled "An Act to provide for the appointment of deputy circuit solicitors in all circuits in this State having more than five circuit judges, or which circuits may hereafter have more than five circuit judges; to fix their compensation and to provide the way and manner of paying the same," approved September 17, 1919.~~

Was read a third time at length and passed.

Yeas, 23; nays, 1.

Yeas:

Messrs:

Bonner	Garth	Hudgens	McNeil
Brooks	Griffith	Hutson	Overton
Brower	Harlan	Inzer	Pelham
Carlton	Hildreth	Johnson	Slone
Craft	Horton	Jones (Conecuh)	Tasley
Ellis	Howle	Martin	

—23

Nay: Mr. Adams—1.

The bill:

H. 358. To amend Sections 3, 6 and 7 of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation," approved September 25, 1915.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Adams	Ellis	Howle	Martin
Bonner	Foster	Hudgens	Middleton
Brooks	Garth	Hutson	McNeil
Brower	Griffith	Inzer	Overton
Caffey	Harlan	Johnson	Pelham
Carlton	Hildreth	Jones (Barbour)	Powell
Craft	Horton	Jones (Conecuh)	

—27

Nays:—None.

The bill:

S. 309. To provide for and require the establishment and operation of a printing plant by the Convict Department for the employment of convicts; to require all the printing of certain departments and institutions to be done at said plant.

Was taken up.

Mr. Jones of Barbour offered the following substitute for said bill, to-wit:

A BILL.

To be entitled an Act to authorize and provide for the establishment and operation of a printing plant by the Convict Department and for the employment of convicts therein.

Be it enacted by the Legislature of Alabama:

Section 1. There may be established at Kilby Prison a printing plant for the purpose of employing convicts and for the purpose of furnishing printed supplies, stationery, books, pamphlets, documents, Codes, Supreme Court Reports, Appellate Court Reports and any other report made by any department, commission, body, officer or institution of the State, and any other kind or character of printed, engraved or lithographed supplies required for the use and service of any department, commission, board, officer or institution of the State. Such plant may be extended and units added thereto from time to time as in the judgment of the Governor and State Board of Convict Supervisors the necessities of the State and the convict funds necessary for the construction and operation of such plants will permit.

Section 2. The State Board of Convict Supervisors may prepare specifications covering each class of State printing, selecting the kind and quality of stock and the forms which will be suitable therefor at the least expense to the State. The Board of Convict Supervisors may adopt forms and specifications for each kind and character of printed supplies, books, pamphlets, etc., used by the State.

Section 3. The State Board of Convict Supervisors shall keep accurate account of all expenses and income, and of the cost of every job supplied to any department, commission, board, officer or institution of the State. The estimate of such cost shall include proper percentage of overhead expense, depreciation of plant and equipment, a reasonable hire for the convicts employed in said plant and such other expense necessary to ascertain as near as possible the cost of such job. Every department, commission, board, officer or institution which has printing done at such plant shall pay to the Convict Department such cost for the printing out of funds appropriated to be expended by such department, commission, board, or institution for printing.

Section 5. The State Board of Convict Supervisors may contract with counties, municipalities or other political subdivisions of the State to do printing for or furnish such stationery as such political subdivision has authority to purchase. No printing shall be done at such plant for private individuals.

Section 6. The Governor shall appoint a special commission of three members to act in an advisory capacity relative to establishment of said printing plant.

Section 7. The establishment and operation of said printing plant shall be undertaken as soon as in the opinion of the Governor the convict fund is sufficient to meet the expense of installing and equipping such plant.

Mr. Waddell offered the following amendment to said substitute:

Amend the substitute for S. 309 by adding the following section:

Provided, however, that no person shall be worked in said plant except convicts of the State of Alabama.

Mr. Jones of Barbour moved that the amendment be laid on the table, which motion prevailed and said amendment was tabled.

Yeas, 21; nays, 9.

Yeas:

Messrs:

Adams	Horton	Jones (Barbour)	Overton
Carmichael	Howle	Jones (Conecuh)	Pelham
Foster	Hudgens	Martin	Powell
Garth	Inzer	Middleton	Randall
Griffith	Johnson	McNeil	Slone
Harlan			

—21

Nays:

Messrs:

Bonner	Carlton	Ellis	Tunstall
Brooks	Duncan	Hildreth	Waddell
Caffey			

—9

The substitute offered by Mr. Jones of Barbour was then adopted.

Yeas, 27; nays, 4.

Yeas:

Messrs:

Adams	Garth	Inzer	Overton
Bonner	Griffith	Johnson	Pelham
Brooks	Harlan	Jones (Barbour)	Powell
Brower	Horton	Jones (Conecuh)	Randall
Carlton	Howle	Martin	Slone
Ellis	Hudgens	Middleton	Teasley
Foster	Hutson	McNeil	

—27

Nays:

Messrs:

Caffey	Duncan	Hildreth	Waddell
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—4

And said bill as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 3.

Yeas:

Messrs:

Adams	Garth	Johnson	Overton
Bonner	Griffith	Jones (Barbour)	Pelham
Brooks	Harlan	Jones (Conecuh)	Powell
Brower	Horton	Martin	Randall
Caffey	Hudgens	Middleton	Slone
Carlton	Hutson	McNeil	Teasley
Carmichael	Inzer		

—26

Nays: Messrs. Duncan, Hildreth and Waddell—3.

The bill:

H. 285. To prohibit the court of county commissioners of Butler county, Alabama, from issuing the bonds of Butler county as authorized by an election held July 2nd, 1910, and as authorized by an election held May 10th, 1918.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Adams	Duncan	Horton	Martin
Bonner	Ellis	Hudgens	McNeil
Brooks	Foster	Hutson	Oliver
Brower	Garth	Inzer	Overton
Caffey	Griffith	Johnson	Randall
Carlton	Harlan	Jones (Barbour)	Slone
Carmichael	Hildreth	Jones (Conecuh)	Teasley

—28

Nays:—None.

The bill:

S. 340. To authorize and empower the town council of the town of Clanton, Alabama, to vacate, annul or narrow any street, avenue, alley or other public place in said town and to convey such portion of any street, avenue, alley or other public place so vacated, annulled or narrowed, to the adjacent landowners.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Adams	Caffey	Ellis	Hildreth
Bonner	Carlton	Foster	Horton
Brooks	Carmichael	Griffith	Hudgens
Brower	Duncan	Harlan	Inzer

Johnson
Jones (Barbour)
Martin

Middleton
McNeil
Overton

Pelham
Randall

Slone
Tunstall

—26

Nays:—None.

The bill:

H. 363. To fix the salaries of the circuit judges in Alabama in circuits having a population of over 300,000, according to the last or any subsequent Federal census, and to provide for the manner of payment of same.

Was read a third time at length and passed.

~~Yea, 28; nay, 3.~~

Yeas:

Messrs:

Brooks

Brower

Caffey

Carlton

Carmichael

Craft

Duncan

Ellis

Foster

Griffith

Harlan

Hildreth

Horton

Howe

Hudgens

Hutson

Inzer

Johnson

Jones (Barbour)

Jones (Conecuh)

Martin

Middleton

McNeil

Overton

Pelham

Teasley

Tunstall

Waddell

—28

Nays: Messrs. Bonner, Garth and Randall—3.

ORDER TO PRINT.

On motion of Mr. Ellis, 300 copies of the bill:

S. 238. To regulate primary elections in the State of Alabama.

Were ordered printed for use of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 221. To authorize and empower County Boards of Education and City Boards of Education to appropriate and use any district three mill tax that has been or may hereafter be voted in any School District to pay and discharge any obligations or debts which may have been or hereafter are created to build, equip or furnish a public school building for said district, or to refund money out of such three mill district tax to any person or corporation who has, or may hereafter, advance money for such purpose."

J. H. Stewart,
Clerk.

ADJOURNMENT.

At 5:00 o'clock P. M., on motion of Mr. Adams, the Senate adjourned until 10:00 o'clock tomorrow morning.